FEDERAL REGISTER

VOLUME 13 NUMBER 82

Washington, Tuesday, April 27, 1948

TITLE 3—THE PRESIDENT

PROCLAMATION 2783

WORLD TRADE WEEK, 1948

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS international trade provides each participating nation with the products of the resources and skills of other nations as well as a market for its own products; and

WHEREAS the expansion of import and export trade improves standards of living and encourages full employment of labor and productive facilities, thus promoting prosperity and fostering peace among nations; and

WHEREAS it is the established policy of this country to secure the removal of unnecessary trade restrictions and discriminations through international agreement, as exemplified by the reciprocal-trade-agreements program, and by participation in the United Nations Conference on Trade and Employment held at Havana for the establishment of an International Trade Organization; and

WHEREAS greater emphasis should be given to the importance of world trade to this Nation and to the significance of such trade in bringing about international stability and an enduring peace:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby call upon the Nation to observe the week commencing May 16, 1948, as World Trade Week; and I invite the appropriate officials of the several States, Territories, and possessions of the United States, as well as the municipalities and other political subdivisions of the country, to cooperate in the observance of that week.

I also urge trade associations, business establishments, clubs, educational institutions, civic groups, and other organizations, and the people of the United States generally, to observe World Trade Week with ceremonies, displays, exhibits, and other appropriate activities.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 24th day of April in the year of our Lord nineteen hundred and forty-eight, and of the Independence of the United States of America the one hundred and seventy-second.

[SEAL]

HARRY S. TRUMAN

By the President:

ROBERT A. LOVETT,
Acting Secretary of State.

[F. R. Doc. 48-3801; Filed, Apr. 26, 1948; 11:52 a. m.]

EXECUTIVE ORDER 9953

ESTABLISHING THE INTERDEPARTMENTAL COMMITTEE FOR THE PEACETIME VOLUNTARY PAYROLL SAVINGS PLAN FOR THE PURCHASE OF UNITED STATES SAVINGS BONDS

WHEREAS our national economic welfare requires the widest possible distribution of the national debt through the sale of United States Savings Bonds to the people; and

WHEREAS every purchaser of United States Savings Bonds invests not only in the nation's economic welfare, but also in his own personal security and independence, and it is, therefore, to the manifest advantage of Government, Management, and Labor and of every citizen that the sale of such bonds to the people be vigorously promoted; and

WHEREAS the Federal Government is earnestly requesting more than 30,000 business and industrial enterprises to provide for and vigorously promote, by personal solicitation, the purchase of United States Savings Bonds, Series E, through regular, voluntary pay allotments on the Payroll Savings Plan; and

WHEREAS it is desirable and proper that all civilian and uniformed officers and employees in the Federal Government should set an example of leadership in this activity:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is hereby ordered as follows:

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THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

CODIFICATION GUIDE—Con.

1. There is hereby established the Interdepartmental Committee for the Peacetime Voluntary Payroll Savings Plan for the Purchase of United States Savings Bonds (hereinafter referred to as the Committee). The Committee shall consist of Edward F. Bartelt, Fiscal Assistant Secretary of the Treasury, who shall serve as Chairman, and the head of each of the several departments, establishments, and agencies in the executive branch of the Government. Each member of the Committee, other than the Chairman, may designate an alternate from among the officials of his department, establishment, or agency, and such alternate may act for such member in all matters relating to the Committee.

2. The Committee shall perform the following functions and duties:

(a) Formulate and present to the several departments, establishments, and agencies in the executive branch of the Government a plan of organization and sales promotion whereby the voluntary Payroll Savings Plan will be made available to all officers and employees for the purchase of Series E Savings Bonds, and whereby all such officers and employees will be urged to participate.

(b) Assist the several departments, establishments, and agencies in the installation of the said Payroll Savings Plan and in the solution of any special problems that may develop in connection therewith.

(c) Act as a clearing house for the several departments, establishments, and agencies in the dissemination of such statistics and information relative to the execution and sales promotion of the Plan as may be deemed advantageous.

(d) Recommend to the several departments, establishments, and agencies, any methods for improvements in the program adopted pursuant to the said Plan.

3. Each of the departments, establishments, and agencies in the executive branch of the Government shall institute and set in operation, as soon as practicable, the plan of organization and sales promotion recommended by the Committee, with such modifications as particular circumstances may render advisable. Each Committee member shall act as liaison officer between the Committee and his department, establishment or agency with regard to the said Plan.

4. This order shall supersede Executive Order No. 9135 of April 16, 1942, establishing the Interdepartmental Committee for the Voluntary Pay Roll Savings Plan for the Purchase of War Savings Bonds.

HARRY S. TRUMAN

THE WHITE HOUSE,
April 23, 1948.

[F. R. Doc. 48-3768; Filed, Apr. 23, 1948; 3:38 p. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspection, Marketing Practices)

PART 51—FRUITS, VEGETABLES AND OTHER PRODUCTS (GRADING, CERTIFICATION AND STANDARDS)

U. S. STANDARDS FOR CAULIFLOWER

On March 24, 1948, notice of proposed rule making was published in the FEDERAL REGISTER (13 F. R. 1567) regarding the proposed issuance of United States Standards for Cauliflower, which will supersede the United States Standards for Cauliflower that have been in effect since August 7, 1939. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, the following United States Standards for Cauliflower are hereby promulgated pursuant to the provisions of the Department of Agriculture Appropriation Act of 1948 (Pub. Law 266, 80th Cong., approved July 30, 1947):

§ 51.171 *Cauliflower*—(a) *Grades.* (1) U. S. No. 1 shall consist of compact heads of cauliflower which are not discolored, or over-mature, which are free from soft or wet decay and from damage caused by wilting, fuzziness, riceyness, enlarged bracts, bruises, hollow stems, dirt or other foreign matter, diseases, insects, or mechanical or other means. Jacket leaves shall be fresh, green, well trimmed unless specified as full jacket leaves, and free from serious damage by any cause. Unless otherwise specified the minimum size shall be 4 inches in diameter.

(i) In order to allow for variations, other than size, incident to proper grading and handling, not more than a total of 10 percent, by count, of the heads in any container may fail to meet the requirements of this grade but not more than one-tenth of this amount, or 1 percent, may be affected by soft rot or wet decay affecting the curd. In addition not more than 5 percent, by count, of the heads in any container may be smaller than the specified minimum size.

(b) *Unclassified.* Unclassified shall consist of cauliflower which has not been classified in accordance with the foregoing grade. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

(c) *Application of tolerances to individual containers.* The contents of individual containers in the lot, based on sample inspection, are subject to the following limitations, provided the averages for the entire lot are within the tolerances specified:

(1) When a tolerance is 10 percent or more, individual containers in any lot shall have not more than one and one-half times the tolerance specified, except that when the package contains 15 specimens or less, individual containers may contain not more than double the tolerance specified.

(2) When a tolerance is less than 10 percent, individual containers in any lot shall have not more than double the tolerance specified, except that at least one defective and two off-sized specimens may be permitted in any container.

(d) *Definitions.* (1) "Compact" means that the flower clusters are closely united and the head feels solid.

(2) "Discolored" means that the head is of some abnormal color.

(3) "Over-mature" means a stage of growth which is beyond that of a compact, properly developed head. An over-mature head usually is loose or open and ordinarily is turning yellow.

(4) "Damage" means any injury or defect which materially affects the appearance, or edible or shipping quality of the head. Any one of the following defects shall be considered as damage:

(i) Fuzziness which gives the head a distinctly fuzzy appearance on more than one-half of the head.

(ii) Riceyness, when the appearance of the head is materially injured by a very abnormal rough or granular surface on the curd.

(iii) Enlarged bracts, when the appearance of the head is materially injured by leaves (bracts) growing up through and extending above the curd.

(iv) Mold which causes the flesh of the curd to disintegrate or which exceeds ⅜ inch in diameter in the aggregate, or any single spot which exceeds ⅛ inch in diameter.

(5) "Well trimmed" means that the jacket leaves shall be limited to the number and length necessary to protect the head. No jacket leaves are required on heads which are individually wrapped, or packed with cushions, partitions or other means which protect the head from bruising.

(6) "Serious damage" means any injury to the jacket leaves which seriously affects the appearance of the head.

(7) "Diameter" means the average diameter of the head exclusive of the jacket leaves.

(e) *Effective time.* The United States Standards for Cauliflower contained in this section shall become effective thirty (30) days after the date of publication of these standards in the FEDERAL REGISTER. (Pub. Law 266, 80th Cong.)

Done at Washington, D. C., this 22d day of April 1948.

[SEAL] S. R. NEWELL,
Acting Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 48-3725; Filed, Apr. 26, 1948; 9:06 a. m.]

Chapter III—Bureau of Entomology and Plant Quarantine, Department of Agriculture

[Quarantine No. 48]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—JAPANESE BEETLE

Pursuant to the authority conferred by section 8 of the Plant Quarantine Act of 1912 as amended (37 Stat. 318, as amended; 7 U. S. C. 161) the quarantine on account of the Japanese beetle and regulations supplemental thereto (7 CFR 1947 Supp. 301.48, 301.48-1 to 301.48-11, inclusive) are hereby amended to read as follows:

QUARANTINE

Sec.
301.48 Notice of quarantine.

REGULATIONS

301.48-1 Definitions.
301.48-2 Regulated areas.
301.48-3 Regulated articles.
301.48-4 Conditions governing movement of regulated articles.
301.48-5 Conditions governing the issuance of certificates and permits.
301.48-6 Assembly of articles for inspection.
301.48-7 Cancellation of certificates or permits.
301.48-8 Cleaning or treatment of trucks, wagons, cars, boats, and other vehicles and containers.
301.48-9 Inspection in transit.
301.48-10 Shipments for experimental and scientific purposes.

AUTHORITY: §§ 301.48 to 301.48-10, inclusive, issued under secs. 1, 3, 33 Stat. 1269, 1270, sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 141, 143, 161.

QUARANTINE

§ 301.48 *Notice of quarantine.* Under the authority conferred by section 8 of the Plant Quarantine Act of August 20, 1912, as amended (7 U. S. C. 161), and having held the public hearings required thereunder, the Secretary of Agriculture quarantines the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, and the District of Columbia, to prevent the spread of the Japanese beetle, and under authority contained in the Plant Quarantine Act and the Insect Pest Act of March 3, 1905 (7 U. S. C. 141 et seq.), the Secretary of Agriculture hereinafter prescribes regulations governing the movement of Japanese beetles and carriers thereof. Hereafter (a) soil, humus, compost, and decomposed manure; (b) forest, field, nursery, or greenhouse-grown woody or herbaceous plants or parts thereof for planting purposes; (c) cut flowers; and (d) fresh fruits and vegetables shall not be shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved from any of said quarantined States or District into or through any other State or Territory of the United States in manner or method or under conditions other than those prescribed in the rules and regulations hereinafter made and amendments thereto: *Provided*, That the requirements of this quarantine and of the rules and regulations supplemental hereto are hereby limited to the areas in a quarantined State now, or which may hereafter be, designated by the Secretary of Agriculture as regulated areas, as long as, in the judgment of the Secretary of Agriculture, the enforcement of the said rules and regulations as to such regulated areas shall be adequate to prevent the spread of the Japanese beetle, except that such limitation is further conditioned upon the affected State or States providing for and enforcing control of the intrastate movement of the regulated articles under the same conditions as those which apply to their interstate movement under the provisions of currently existing Federal quarantine regulations, and upon their enforcing such control and sanitation measures with respect to such areas or portions thereof as, in the judgment of the Secretary of Agriculture, shall be deemed adequate to prevent the intrastate spread therefrom of the said insect infestation: *Provided further*, That whenever the Chief of the Bureau of Entomology and Plant Quarantine shall find that facts exist as to pest risk involved in the movement of one or more of the articles to which the regulations supplemental hereto apply, making it safe to modify, by making less stringent, the requirements contained in any such regulations, he shall set forth and publish such finding in administrative instructions specifying the manner in which the applicable regulation should be made less stringent, whereupon such modification shall become effective, for such period and for such regulated area or portion thereof or for such article or articles as shall be specified in said administrative instructions, and every reasonable effort shall be made to give publicity to such administrative instructions throughout the affected areas.

REGULATIONS

§ 301.48-1 *Definitions.* For the purpose of the regulations in this subpart the following words, names, and terms shall be construed, respectively, to mean:

(a) *Japanese beetle.* The insect known as the Japanese beetle (Popillia japonica Newm.), in any stage of development.

(b) *Infestation.* The presence of the Japanese beetle.

(c) *Regulated area.* Any area in a quarantined State or District which is now, or which may hereafter be, designated as a regulated area by the Secretary of Agriculture in accordance with the provisos of § 301.48 as revised.

(d) *Nursery stock.* Forest, field, nursery, or greenhouse-grown woody or herbaceous plants or parts thereof for planting purposes.

(e) *Inspector.* An inspector of the United States Department of Agriculture.

(f) *"Moved" ("movement", "move").* Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved, directly or indirectly, from a regulated area in one State or District of the United States to a non-regulated area or a protected area in any other State or Territory. "Movement" and "move" shall be construed accordingly.

(g) *Certificate.* A document evidencing compliance with the requirements of the regulations in this subpart.

(h) *Limited permit.* A document authorizing the movement of regulated articles to a restricted destination for limited handling, utilization, or processing.

§ 301.48-2 *Regulated areas.* The following States, District, counties, townships, cities, towns, boroughs and districts or parts thereof, are hereby designated as regulated areas:

Connecticut. The entire State.

Delaware. The entire State.

District of Columbia. The entire District.

Maine. County of York, towns of Auburn and Lewiston, in Androscoggin County; towns of Cape Elizabeth, Gorham, Gray, New Gloucester, Raymond, Scarboro, Standish, and cities of Portland, South Portland, Westbrook, and Windham, in Cumberland County; city of Waterville, in Kennebec County; and city of Brewer, in Penobscot County.

Maryland. The entire State except the county of Garrett.

Massachusetts. The entire State.

New Hampshire. Counties of Belknap, Cheshire, Hillsboro, Merrimack, Rockingham, Strafford, and Sullivan; towns of Brookfield, Eaton, Effingham, Freedom, Madison, Moultonboro, Ossipee, Sandwich, Tamworth, Tuftonboro, Wakefield, and Wolfeboro, in Carroll County; towns of Alexandria, Ashland, Bridgewater, Bristol, Canaan, Dorchester, Enfield, Grafton, Groton, Hanover, Hebron, Holderness, Lebanon, Lyme, Orange, and Plymouth, in Grafton County.

New Jersey. The entire State.

New York. Counties of Albany, Bronx, Broome, Chemung, Chenango, Columbia, Cortland, Delaware, Dutchess, Fulton, Greene, Kings, Madison, Montgomery, Nassau, New York, Oneida, Onondaga, Orange, Otsego, Putnam, Queens, Rensselaer, Richmond, Rockland, Saratoga, Schenectady, Schoharie, Suffolk, Sullivan, Tioga, Ulster, Washington, and Westchester; towns of Red House and Salamanca, and cities of Olean and Salamanca, in Cattaragus County; city of Auburn, and towns of Fleming, Owasco, and Sennett, in Cayuga County; towns of Amherst, Cheektowaga, and Tonawanda, and cities of Buffalo and Lackawanna, in Erie County; towns of Columbia, Danube, Fairfield, Frankfort, German Flats, Herkimer, Litchfield, Little Falls, Manheim, Newport, Salisbury, Schuyler, Stark, Warren, and Winfield, and city of Little Falls, in Herkimer County; town of Watertown and city of Watertown, in Jefferson County; town of Mount Morris and village of Mount Norris, in Livingston County; city of Rochester, towns of Brighton, Irondequoit, and Pittsford, and village of East Rochester, in Monroe County; town of Manchester, in Ontario County; town of Schroeppel, and cities of Fulton and Oswego, in Oswego County; towns of Catherine, Cayuta, Dix,

Hector, Montour, and Reading, and borough of Watkins Glen, in Schuyler County; town of Waterloo, in Seneca County; towns of Caton, Corning, Erwin, Hornby, and Hornellsville, and cities of Corning and Hornell, in Steuben County; towns of Caroline, Danby, Dryden, Enfield, Ithaca, Newfield, and city of Ithaca, in Tompkins County; towns of Luzerne and Queensbury and city of Glens Falls, in Warren County.

Ohio. Counties of Belmont, Carroll, Columbiana, Cuyahoga, Guernsey, Harrison, Jefferson, Mahoning, Medina, Portage, Stark, Summit, Tuscarawas, and Wayne; cities of Ashtabula and Conneaut, in Ashtabula County; city of Coshocton, in Coshocton County; township of Marion, city of Columbus and villages of Bexley, Grandview, Grandview Heights, Hanford, Marble Cliff, and Upper Arlington, in Franklin County; townships of Kirtland, Mentor, and Willoughby, and villages of Kirtland Hills, Lakeline, Mentor, Mentor-on-the-Lake, Waite Hill, Wickliffe, Willoughby, and Willowick, in Lake County; townships of Madison and Newark and city of Newark, in Licking County; city of Toledo and township of Washington, in Lucas County; township of Madison and city of Mansfield, in Richland County; townships of Bazetta, Braceville, Brookfield, Champion, Fowler, Hartford, Howland, Hubbard, Liberty, Lordstown, Newton, Southington, Warren, Weathersfield, and Vienna, cities of Niles and Warren, and villages of Cortland, Girard, Hubbard, McDonald, Newton Falls, and Orangeville, in Trumbull County; and city and town of Marietta, in Washington County.

Pennsylvania. The entire State except the townships of Athens, Beaver, Bloomfield, Cambridge, Conneaut, Cussewago, East Fairfield, East Fallowfield, East Mead, Fairfield, Greenwood, Hayfield, North Shenango, Pine, Randolph, Richmond, Rockdale, Sadsbury, South Shenango, Spring, Steuben, Summerhill, Summit, Troy, Union, Venango, Vernon, Wayne, West Fallowfield, West Mead, West Shenango, and Woodcock, and the boroughs of Blooming Valley, Cambridge Springs, Cochranton, Conneaut Lake, Conneautville, Linesville, Saegerstown, Springboro, Townville, Venango, and Woodcock, in Crawford County; the townships of Amity, Conneaut, Elk Creek, Fairview, Franklin, Girard, Greene, Greenfield, Harborcreek, Lawrence Park, LeBoeuf, McKean, North East, Springfield, Summit, Union, Venango, Washington, and Waterford, and the boroughs of Albion, Cranesville, East Springfield, Edinboro, Fairview, Girard, Middleboro, Mill Village, North East, North Girard, Platea, Union City, Waterford, and Wattsburg, in Erie County; townships of Deer Creek, Delaware, Fairview, French Creek, Greene, Hempfield, Lake, Mill Creek, New Vernon, Otter Creek, Perry, Pymatuning, Salem, Sandy Creek, Sandy Lake, South Pymatuning, Sugar Grove, and West Salem, and boroughs of Clarksville, Fredonia, Greenville, Jamestown, New Lebanon, Sandy Lake, Sheakleyville, and Stoneboro, in Mercer County.

Rhode Island. The entire State.

Vermont. Counties of Bennington, Rutland, Windham, and Windsor; and town of Burlington, in Chittenden County.

Virginia. Counties of Accomac, Arlington, Culpeper, Elizabeth City, Fairfax, Fauquier, Henrico, King George, Loudoun, Norfolk, Northampton, Prince William, Princess Anne, and Stafford; magisterial district of Port Royal in Caroline County; magisterial districts of Bermuda, Dale, Manchester, Matoaca, and Midlothian in Chesterfield County; town of Emporia, in Greensville County; town of West Point, in King William County; magisterial district of Sleepy Hole, in Nansemond County; magisterial district of Madison in Orange County; town of Shenandoah, in Page County; village of Schoolfield, in Pittsylvania County; town of Pulaski, in Pulaski County; magisterial districts of Hampton, Jackson, and Wakefield, in Rappahannock County; magisterial district of Courtland, in Spotsylvania County; town of Front Royal, in Warren County; magisterial district of Newport, in Warwick County; magisterial district of Washington, in Westmoreland County; and cities of Alexandria, Charlottesville, Danville, Fredericksburg, Hampton, Newport News, Norfolk, Petersburg, Portsmouth, Radford, Richmond, Roanoke, South Norfolk, Suffolk, and Winchester.

West Virginia. Counties of Barbour, Berkeley, Brooke, Hancock, Harrison, Jefferson, Lewis, Marion, Monongalia, Morgan, Ohio, Taylor, and Upshur; magisterial districts of Blue Sulphur and Fort Spring, in Greenbrier County; magisterial districts of Charleston, Elk, Loudon, and Malden, city of Charleston, and town of South Charleston, in Kanawha County; magisterial districts of Sand Hill, Union, Washington, and Webster, in Marshall County; city of Princeton, in Mercer County; town of Keyser and magisterial district of Frankfort, in Mineral County; magisterial district of Wolf Creek, in Monroe County; town of Rowlesburg, in Preston County; city of Hinton and magisterial districts of Greenbrier and Talcott, in Summers County; magisterial district of Lincoln, in Tyler County; town of Paden City, in Tyler and Wetzel Counties; cities of Parkersburg and Williamstown and magisterial districts of Lubeck, Parkersburg, Tygard, and Williams, in Wood County.

§ 301.48–3 *Regulated articles* — (a) *Articles the movement of which is prohibited.* The movement of live Japanese beetles in any stage of development, except for scientific purposes, is prohibited. Provisions for the movement of live Japanese beetles in any stage of development, for scientific purposes, are set forth in § 301.48–10.

(b) *Articles the movement of which is regulated.* Unless exempted by administrative instructions issued by the Chief of the Bureau of Entomology and Plant Quarantine and except as hereinafter otherwise provided, the movement of the following articles from regulated areas to points outside thereof is subject to the regulations in this subpart:

(1) Soil, humus, compost, and decomposed manure moved independent of or in connection with nursery stock or any other articles or things.

(2) Nursery stock.

(3) Unprocessed, fresh, cut flowers when moved in bulk.

(4) Fresh fruits and vegetables of all kinds when shipped by refrigerator car or motortruck only.

§ 301.48–4 *Conditions governing movement of regulated articles*—(a) *Certification.* Except as provided in § 301.48–5, or in administrative instructions issued by the Chief of the Bureau of Entomology and Plant Quarantine, articles designated in § 301.48–3 shall not be moved either on direct billing, diversion or reconsignment from the regulated areas to points outside the regulated areas, unless a certificate or permit shall have been issued therefor in compliance with § 301.48–5 hereof: *Provided,* That the issuance of a certificate or limited permit will not be required for the movement of the articles described in § 301.48–3 (b), (3) and (4), except during periods of adult flight of the beetle in such sections of the regulated area as shall be specified in annual administrative instructions issued by the Chief of the Bureau of Entomology and Plant Quarantine on the basis of anticipated heavy seasonal occurrence of the adult beetle. The above requirements shall also apply to the movement of all of these articles to such isolated regulated areas as may be designated in administrative instructions by the Chief of the Bureau of Entomology and Plant Quarantine when it has been determined by him that such areas should be so protected.

(b) *Marking.* Every container of articles, the movement of which is subject to the regulations in this subpart, shall be plainly marked with the name and address of the consignor and the name and address of the consignee, when offered for shipment, and shall have securely attached to the outside thereof a valid certificate or permit issued in compliance with § 301.48–5: *Provided,* That (1) in the case of less-than-carload freight shipments other than by road vehicle, a certificate attached to one of the containers and another certificate attached to the waybill will be sufficient, and carlot freight or express shipments, either in containers or in bulk, require only a certificate attached to the waybill; (2) in the case of shipment by road vehicle, the certificate shall accompany the shipment and shall be surrendered to the consignee upon delivery of the shipment.

(c) *Articles originating outside the regulated area.* No certificates are required for the movement of regulated articles originating outside the regulated areas and moving through or reshipped from a regulated area, when the point of origin is clearly indicated, when the identity has been maintained, and when the articles are safeguarded against infestation while in the regulated areas.

§ 301.48–5 *Conditions governing the issuance of certificates and permits*—(a) *Certification of regulated articles.* Certificates may be issued for the movement of the regulated articles under any one of the following conditions:

(1) When, in the judgment of the inspector, they have not been exposed to infestation.

(2) When they have been examined by an inspector and found to be free of infestation.

(3) When they have been treated under the observation of an inspector and in accordance with methods selected by him from administratively authorized procedures known to be effective under the conditions applied.

(b) *Safeguards against reinfestation.* Subsequent to certification, as provided in paragraph (a) of this section, the regulated articles must be loaded, handled, and shipped under such protection and safeguards against reinfestation as are required by the inspector.

(c) *Limited permits.* Limited permits may be issued by the inspector for the movement of noncertified regulated articles to specified destinations for limited handling, utilization, or processing. Persons shipping, transporting, or receiving such articles may be required by the inspector to enter into written agreements with the Bureau of Entomology and Plant Quarantine to maintain such sanitation safeguards against the establishment and spread of infestation and to comply with such conditions as to the maintenance of iden-

tity, handling, or subsequent movement of regulated products and to the cleaning of cars, trucks, and other vehicles used in the transportation of such articles as may be required by the inspector.

§ 301.48–6 *Assembly of articles for inspection.* Persons intending to move any of the regulated articles shall make application for inspection as far in advance as possible, and will be required to prepare, handle, and safeguard such articles from infestation, and to assemble them at such points as the inspector shall designate, placing them so that inspection may be readily made. All costs, including storage, transportation, and labor incident to inspection, other than the services of the inspector, shall be paid by the shipper.

§ 301.48–7 *Cancellation of certificates or permits.* Certificates or permits issued under the regulations in this subpart may be withdrawn or canceled by the inspector and further certification refused whenever he determines that the further use of such certificates or permits might result in the dissemination of infestation.

§ 301.48–8 *Cleaning or treatment of trucks, wagons, cars, boats, and other vehicles and containers.* When in the judgment of the inspector a hazard of spread of infestation is presented, thorough cleaning or treatment of trucks, wagons, cars, boats, and other vehicles or other means of transportation, and containers may be required by the inspector before movement to points outside of the regulated areas.

§ 301.48–9 *Inspection in transit.* Any car, vehicle, or container of any kind moved interstate or offered for shipment interstate, which contains or which the inspector has probable cause to believe contains either infestations, infested articles, or articles the movement of which is controlled by the regulations in this subpart shall be subject to inspection by an inspector at any time or place, and when actually found to involve danger of dissemination of Japanese beetles to noninfested localities, measures to eliminate infestation may be required by the inspector as a condition of further transportation or delivery.

§ 301.48–10 *Shipments for experimental and scientific purposes.* Live Japanese beetles in any stage of development and articles subject to requirements of the regulations in this subpart may be moved for experimental or scientific purposes, on such conditions and under such safeguards as may be prescribed by the Chief of the Bureau of Entomology and Plant Quarantine. The container of articles so moved shall bear, securely attached to the outside thereof, an identifying tag from the Bureau of Entomology and Plant Quarantine.

This revision of the quarantine and regulations shall be effective on and after April 30, 1948, and shall supersede the quarantine and regulations issued May 13, 1947 (7 CFR, 1947 Supp., §§ 301.48 to 301.48–11, incl.).

The primary purpose of this revision is to add new territory to the regulated area. Prompt action on this change is essential in order to anticipate the emergence of adult beetles this year. In accordance with section 4 (c) of the Administrative Procedure Act (5 U. S. C. Supp. 1003 (c)), good cause is found for making the effective date hereof less than 30 days after its publication in the FEDERAL REGISTER.

Done at Washington, D. C., this 22d day of April 1948.

Witness my hand and the seal of the United States Department of Agriculture.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

APPENDIX

PENALTIES

The Plant Quarantine Act of August 20, 1912, as amended, provides that any person who shall violate any of the provisions of this quarantine or regulations pursuant thereto shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine not exceeding $500, or by imprisonment not exceeding one year, or both such fine and imprisonment in the discretion of the court.

STATE AND FEDERAL INSPECTION

Certain of the quarantined States have promulgated or are about to promulgate quarantine regulations controlling intrastate movement supplemental to the Federal quarantine. These State regulations are enforced in cooperation with the Federal authorities. Copies of either the Federal or State quarantine orders may be obtained by addressing the United States Department of Agriculture, 503 Main Street, East Orange, N. J.

Subsidiary offices are maintained at the following locations:

Connecticut. Agricultural Experiment Station, 123 Huntington Street, New Haven 4, Conn.

Delaware. Bureau of Entomology and Plant Quarantine, Harrington, Del.

Maryland. Room 214, 400 E. Lombard Street, Baltimore 2, Md.; Room 205, New Post Office Building, Main Street, Salisbury, Md.

New Jersey. Kotler Building, Main and High Streets, Glassboro, N. J.; P. O. Box 1, Trenton 1, N. J., or 3179 South Broad Street, White Horse, N. J.

New York. Room 840–A, 641 Washington Street, New York 14, N. Y.; City Hall, Kingston, New York; P. O. Box 25, Huntington Station, Long Island, N. Y.

Ohio. 21065 Euclid Avenue, Euclid 17, Ohio.

Pennsylvania. P. O. Box 426, Ardmore, Pa.; P. O. Box 22, Lancaster, Pa.; 205 North Side Post Office Building, Pittsburgh 12, Pa.

Vermont. Clarendon, Vt.

Virginia. Room 415, Post Office Building, Norfolk, Va. P. O. Box 5271 or Room 101A, 900 N. Lombardy St., Richmond, Va.

Arrangements may be made for inspection and certification of shipments from the District of Columbia by calling Republic 4142, branch 2598, inspection house of the Bureau of Entomology and Plant Quarantine, 224 Twelfth Street SW., Washington 25, D. C.

GENERAL OFFICES OF STATES COOPERATING

Department of Entomology, Agricultural Experiment Station, New Haven 4, Conn.

Board of Agriculture, Dover, Del.

State horticulturist, Augusta, Maine.

State entomologist, University of Maryland, College Park, Md.

Division of Plant Pest Control and Fairs, Department of Agriculture, Statehouse, Boston 33, Mass.

Deputy Commissioner, Department of Agriculture, Durham, N. H.

Bureau of Plant Industry, Department of Agriculture, Trenton 8, N. J.

Bureau of Plant Industry, Department of Agriculture and Markets, Albany 1, N. Y.

Division of Plant Industry, Department of Agriculture, Columbus 15, Ohio.

Bureau of Plant Industry, Department of Agriculture, Harrisburg, Pa.

Division of Entomology and Plant Industry, Department of Agriculture and Conservation, Statehouse, Providence 2, R. I.

Division of Plant Pest Control, Department of Agriculture, Montpelier, Vt.

State entomologist, Department of Agriculture and Immigration, Richmond 19, Va.

State entomologist, Department of Agriculture, Charleston 5, W. Va.

[F. R. Doc. 48–3719; Filed, Apr. 26, 1948; 8:58 a. m.]

[Rev. B. E. P. Q. 533]

PART 301—DOMESTIC QUARANTINE NOTICES

JAPANESE BEETLE QUARANTINE; ADMINISTRATIVE INSTRUCTIONS; ARTICLES EXEMPT FROM CERTIFICATION

Pursuant to the authority conferred upon the Chief of the Bureau of Entomology and Plant Quarantine by the second proviso of the Japanese beetle quarantine (7 CFR, 1947 Supp., 301.48), the administrative instructions exempting certain articles from certification (7 CFR, 1945 Supp., 301.48d; B. E. P. Q. 533, Rev.), are hereby further revised to read as follows:

§ 301.48d *Administrative instructions; articles exempt from certification.* The following articles, the interstate movement of which is not considered to constitute a risk of Japanese beetle dissemination, are hereby exempted from the requirements of the regulations of the quarantine.

Soil, humus, compost, and decomposed manure. Under this classification, the following articles are hereby exempted:

Gravel, sand, greensand marl, and clay originating from pits, mines, or deposits.

Humus, compost, and decomposed manure when dehydrated, ground, pulverized, or compressed.

Nursery stock. Under this classification, the following articles are hereby exempted:

True bulbs, corms, and tubers, when dormant, except for storage growth, and when free from soil.

Single dahlia tubers or small dahlia root-divisions when free from stems, cavities, and soil. (Dahlia tubers, other than single tubers or small root-divisions meeting these conditions, require certification.)

Plants when growing exclusively in Osmunda fiber.

Trailing arbutus or Mayflower (Epigaea repens), when free from soil.

Moss and clubmoss, ground-pine or running-pine, when free from soil.

Soil-free aquatic plants.

Soil-free sweetpotato draws.

Soil-free plant cuttings without roots.

Soil-free rooted cuttings, which, at the time of shipment, have not developed a root system sufficient to conceal larvae of the Japanese beetle.

Cut flowers. Under this classification, cut orchids are hereby exempted.

(Secs. 1, 3, 33 Stat. 1269, 1270, sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 141, 143, 161)

This revision supersedes B. E. P. Q. 533, Revised, effective March 1, 1945 (7 CFR, 1945 Supp., 301.48d).

These instructions shall be effective April 30, 1948, and shall thereafter re-

main in effect until further modified or revoked.

Since these administrative instructions relieve restrictions, they are within the exception in section 4 (c) of the Administrative Procedure Act and may properly be made effective less than 30 days after their publication in the FEDERAL REGISTER.

Done at Washington, D. C., this 23d day of March 1948.

[SEAL] AVERY S. HOYT,
Acting Chief,
Bureau of Entomology and Plant Quarantine.

[F. R. Doc. 48-3720; Filed, Apr. 26, 1948; 9:00 a. m.]

[Quarantine No. 41]

PART 319—FOREIGN QUARANTINE NOTICES

RESTRICTION OF PERMIT ISSUANCE FOR IMPORTATION OF INDIAN CORN OR MAIZE, BROOMCORN, AND RELATED PLANTS

On March 20, 1948, notice of a proposed amendment of the regulation (7 CFR 319.41-3) restricting issuance of permits for importation of Indian corn or maize, broomcorn, and related plants was published in the FEDERAL REGISTER (13 F. R. 1482). After consideration of all relevant matter presented by interested persons regarding the proposal, the amendment to § 319.41-3 of the regulations supplemental to the quarantine restricting importation of Indian corn or maize, broomcorn, and related plants (Regulation 3, Notice of Quarantine No. 41, 7 CFR 319.41-3), set forth below is hereby adopted, effective October 1, 1948:

§ 319.41-3 *Issuance of permits.* On approval by the Chief of the Bureau of Entomology and Plant Quarantine of the application mentioned in § 319.41-2, a permit will be issued.

For broomcorn and brooms and similar articles made of broomcorn, permits will be issued by the Chief of the Bureau of Entomology and Plant Quarantine for such ports as may be designated therein, except that permits will be issued for the entry of broomcorn originating in countries other than those in the North or South American Continents or the West Indies only through the ports of Baltimore, Boston, and New York, or through other northeastern ports which may from time to time be designated in the permit, and at which facilities for treatment of infested material may be available, such entry to be limited to the five months' period between October 1 of any year and the end of February of the succeeding year, both dates inclusive. Permits will not be issued for the entry of broomcorn from any source through ports on the Pacific coast.

For shelled corn and for seeds of other plants listed in § 319.41, and for corn on the cob, green or mature, from the land areas designated in § 319.41-1 (b) (2), permits will be issued for ports where the Bureau of Entomology and Plant Quarantine maintains an inspection service and for such other ports as may be designated in the permit. (Sec. 5, 37 Stat. 316; 7 U. S. C. 159)

Done at Washington, D. C., this 22d day of April 1948.

Witness my hand and the seal of the United States Department of Agriculture.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 48-3718; Filed, Apr. 26, 1948; 9:00 a. m.]

Chapter VIII—Production and Marketing Administration (Sugar Branch)

[Amdt. 1]

PART 802—SUGAR DETERMINATIONS

FAIR AND REASONABLE WAGE RATES FOR WORK ON 1948 CROP OF SUGAR BEETS IN STATES OTHER THAN CALIFORNIA

Pursuant to the provisions of section 301 (c) (1) of the Sugar Act of 1948, paragraph (b) (1) of the determination, "Fair and Reasonable Wage Rates for Work on the 1948 Crop of Sugar Beets in States Other Than California" (§ 802.140, 13 F. R. 1419), issued March 15, 1948, is hereby amended by adding after the table of rates the following: *"Provided, however,* That for western Montana (included above as part of Wage District VI) the basic rates for the following operations shall be: Hoe and finger thinning (fields planted with segmented seed), without machine blocking $13.00 per acre, with machine blocking $10.00 per acre; hoe-thinning (no finger thinning) $8.00 per acre; and each subsequent hoeing or weeding $4.50 per acre."

Statement of bases and considerations. In the 1948 wage determination a general redistricting of sugar beet producing areas was effected by consolidating wage districts in contiguous geographical areas where worker accomplishments for the several operations were found to be similar and production methods were comparable. Because available data indicated that these factors for western Montana were generally similar to those in other sugar beet producing areas in Montana, northern Wyoming and western North Dakota, western Montana was grouped with these areas. However, recent information indicates that the labor accomplishment data for summer work operations in western Montana may not have been representative of that area. Pending a further study of labor performance it is deemed fair and reasonable to amend the 1948 wage determination with respect to western Montana by reducing each of the rates for thinning by $1.00 per acre and increasing the second and subsequent hoeing or weeding rate by $1.00 per acre. The combined rate per acre for summer work in this area is not altered by this amendment.

(Secs. 301 and 403 of Pub. Law 388, 80th Cong.)

Issued this 22d day of April 1948.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 48-3717; Filed, Apr. 26, 1948 9:00 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

PART 131—HANDLING OF ANTI-HOG-CHOLERA SERUM AND HOG-CHOLERA VIRUS

RULES AND REGULATIONS OF THE CONTROL AGENCY

Pursuant to the provisions of B. A. I. Order 361, as amended, regulating the handling of anti-hog-cholera serum and hog-cholera virus (9 CFR, 131.1 et seq.; 12 F. R. 5385), approval is hereby given to the rules and regulations, attached hereto and made a part hereof, issued on February 10, 1948, by the Control Agency pursuant to the provisions of said B. A. I. Order 361, as amended. Copies of such rules and regulations may be procured from the Control Agency, Office of the Executive Secretary, 512 Porter Building, Kansas City, Missouri.

Done at Washington, D. C. this 21st day of April 1948.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

Sec.
131.201 Public information.
131.202 Classifications.
131.203 Definitions.
131.204 Listing of handlers.
131.205 Manner of classifying wholesalers.
131.206 Deletion of wholesaler from list of handlers.
131.207 Notice of deletion from list of handlers.
131.208 Form of price list.

AUTHORITY: §§ 131.201 to 131.208, inclusive, issued under sec. 59, 49 Stat. 781; 7 U. S. C. 854.

§ 131.201 *Public information.* Unless otherwise provided in the order, or by specific direction of the Control Agency, all price lists, reports, applications, submittals, requests and communications in connection with the order, and rules and regulations thereunder, shall be addressed to the Control Agency, Office of Executive Secretary, 512 Porter Bldg., Kansas City 2, Missouri.

§ 131.202 *Classifications.* (a) "Wholesaler" means that class of buyers comprising (1) persons or agencies who do not administer serum and virus but are regularly engaged in purchasing and maintaining stocks of serum and virus in sufficient quantities to supply dealer demand, who are properly located and equipped with proper storage and distributing facilities to supply dealer demand, who resell principally to dealers, and who shall have been found by the control agency on submitted evidence acceptable to said control agency to perform in good faith the usual functions of a wholesaler, including, but without limitation, the absorbing of all expenses incidental to the advertising, transportation, and selling of serum and virus, after receipt by them, to other trade groups, together with the furnishing of field or veterinary service necessary to determine whether the products sold have served their purpose in specific cases, and (2) persons or agencies who

regularly purchase, for delivery within a definite period of time and pay for at seller's posted prices at time of delivery, serum and virus in specified quantities, adequate in the opinion of the control agency, to justify such classification.

(b) "Dealer" means that class of buyers comprising veterinarians and other persons regularly engaged in administering serum and virus for service charges, drug stores, county farm bureaus, purchasers of serum for use in U. S. licensed stock yards vaccination, and agencies who maintain stocks of serum and virus in sufficient quantities under proper storage and distributive facilities for resale to ultimate consumers (owners of swine).

(c) "Consumers" means that class of buyers comprising persons or agencies who are owners of swine and who are not otherwise classified pursuant to the provisions of the order or these rules and regulations.

(d) "Lay-vaccinator" means a person who is not a licensed veterinarian but who is regularly engaged in administering serum and virus for service charges. Such person is classified as a "dealer".

(e) Federal, state, county, and municipal institutions that are not otherwise classified pursuant to provisions of the order or these rules and regulations are classified as dealers with respect to purchases of serum and virus for use on swine owned by such institutions.

§ 131.203 *Definitions.* (a) Terms defined in the order shall, when used in these rules and regulations, have the same meaning as set forth in the order.

(b) The term "within a definite period of time" as used in § 131.1 (h) means the calendar year immediately preceding the date of application for classification as wholesaler.

(c) The term "specified quantities, adequate in the opinion of the control agency" as used in § 131.1 (h) means 15,000,000 cubic centimeters of serum and 1,000,000 cubic centimeters of virus.

(d) The term "time of delivery" as used in § 131.1 (h), and in these regulations, means the time when physical possession of the products sold is surrendered by the seller to the buyer or to a carrier for and on behalf of the buyer.

(e) The term "Each handler's prices, discounts and terms of sale shall be uniform for all buyers in each classification" as used in § 131.9, means that each handler's prices, discounts and terms of sale shall apply equally, in the same manner, and at the same rate to each buyer within the same class.

(f) The term "price list", as used in § 131.10 means a list on the form prescribed in § 131.208 containing effective prices, discounts and terms of sale of serum and virus.

(g) The term "prices" as used in § 131.9 means the sum or sums of money which the seller asks and receives from the purchaser in exchange for serum or virus.

(h) The term "discounts" as used in § 131.9 means that percentage of the invoice price of serum or virus, or that amount of money which the purchaser may deduct from the invoice price for payment at a time stated prior to the due date of such invoice.

(i) The words "terms of sale" as used in § 131.9 mean the time or date at which the invoice price of serum or virus is due and payable.

(j) A person is "regularly engaged in administering serum and virus" within the meaning of § 131.1 (i) if he is customarily and seasonally employed by a body of patrons or customers to administer serum and virus to swine owned by such patrons or customers.

(k) The term "for service charges" as used in § 131.1 (i) means all remuneration received for administering serum and virus to swine, including any profit derived from the sale of serum and virus so administered.

§ 131.204 *Listing of handlers.* The Control Agency shall furnish the Secretary of Agriculture and each handler with a list of all handlers of serum and virus. Such list shall include all producers and all persons who have been classified as wholesalers by the Control Agency. No person is a wholesaler unless he has been classified as such by the Control Agency and his name appears on the list of handlers as described herein.

§ 131.205 *Manner of classifying wholesalers.* Any person not presently so classified who desires to be classified as a wholesaler must apply for such classification on a form prescribed by the Control Agency and must prove to the satisfaction of the Control Agency that he performs the functions required by § 131.1 (h) (1), or that he meets the requirements of § 131.1 (h) (2), as further defined by § 131.203 (b) and (c). The form of such application is as follows:

APPLICATION FOR CLASSIFICATION AS A WHOLESALER OF ANTI-HOG-CHOLERA SERUM AND HOG-CHOLERA VIRUS

Control Agency
Office of Executive Secretary
512 Porter Building
Kansas City 2, Missouri

The undersigned applicant herewith applies for classification as a wholesaler pursuant to the approved Marketing Agreement and Order as amended, regulating the handling of anti-hog-cholera serum and hog-cholera virus. In support of this application, the following information is respectfully submitted:

1. Name and address of applicant:
Firm name _____
Address _____ _____
(Street address) (City)
_____ _____
(Zone number) (State)

2. State whether the applicant is an individual, partnership, corporation, or unincorporated association _____

3. State period of time in which the applicant has been engaged in selling serum and virus _____

4. What percent of the total cubic centimeters of serum and virus handled by the applicant in the preceding calendar year was sold to dealers as defined in § 131.1 (i) of the approved Marketing Agreement and Order as amended? _____

If the applicant has never handled these products, please indicate the percentage which it anticipates selling to dealers during the present calendar year _____

5. Dealers referred to in Question 4 include (please check): Veterinarians _____; County Farm Bureaus _____; Drug Stores _____; Lay-vaccinators _____; U. S. Licensed Stockyards _____; Other agencies maintaining stocks of serum and virus under proper storage for resale to consumers (please list) _____

6. Will the undersigned applicant or any of its officers or employees administer anti-hog-cholera serum and hog-cholera virus? _____

7. Will the undersigned applicant employ any persons as its agents to administer anti-hog-cholera serum and hog-cholera virus? _____

8. Is the applicant or any of its officers or employees financially interested, directly or indirectly, in the business of any dealer who buys from it? _____ If so, in what way, and to what extent? _____

9. Will the applicant solicit sales to consumers? _____

10. Will the applicant absorb all expenses incidental to the advertising, transportation and selling of serum and virus to other trade groups? _____

11. Will the applicant furnish field or veterinary service necessary to determine whether the products sold have served their purpose in specific cases? _____

12. Describe applicant's equipment for storage and maintenance of stocks of serum and virus _____

13. State the approximate number of dealers you expect to solicit and the geographic area in which they are located _____

14. Name the railroad, bus routes, airlines, and other transportation facilities available in the town or city where the applicant is located and state the principal means to be used in distributing serum and virus to dealers _____

15. Will the applicant regularly purchase and maintain stocks of serum and virus in sufficient quantities to supply dealer demand? _____

16. Did the applicant purchase for delivery within the calendar year preceding this application fifteen million (15,000,000) cubic centimeters of serum and one million (1,000,000) cubic centimeters of virus? _____

All further information requested by the Control Agency in consideration of this application will be furnished by the applicant. If this application is approved, the applicant agrees to assume all obligations of a wholesaler, including the payment of assessments which may be levied against it by the Secretary of Agriculture pursuant to the approved Marketing Agreement and Order, as amended.

Applicant (firm name) _____

Official (signature and title) _____

On this _____ day of _____, 19____, before me, _____, a Notary Public, personally appeared _____ who, first being duly sworn, upon oath declares that he is an officer or employee of the aforesaid applicant, and that the information set forth herein is shown in the books and records of said applicant and is true and correct as he verily believes.

_____
Notary Public

My commission expires _____.

§ 131.206 *Deletion of wholesaler from list of handlers.* Any person who has been classified as a wholesaler may be deleted from the list of handlers, and lose such classification of wholesaler, if

at any time such person (a) requests or authorizes such deletion; (b) sells or transfers to any other person the business of his wholesale establishment; or (c) if the Control Agency finds, upon the basis of evidence satisfactory to it, that such person is no longer performing the functions of or meeting the requirements of a wholesaler as defined in § 131.1 (h) (1) and (2), and further defined in these rules and regulations.

§ 131.207 *Notice of deletion from list of handlers.* A wholesaler who has not requested or authorized deletion of his name from the list of handlers, or who has not sold the business of his wholesale establishment, shall not be deleted from the list of handlers unless at least ten days prior to the date of such deletion he is notified in writing of the facts or conduct which, in the opinion of the Control Agency, warrants deletion from the list of handlers. An opportunity shall be afforded such person to appear before the Control Agency, or otherwise to submit evidence showing justification or cause why the deletion should not be made. The notice may be sent by registered mail or delivered in person by an officer or employee of the Control Agency at the address appearing on the latest effective price list which such wholesaler filed with the Control Agency.

§ 131.208 *Form of price list.* All price lists shall be filed with the office of the Executive Secretary on the form prescribed herein: *Provided, however,* That handlers filing price lists by telegram shall confirm the telegram by mailing on the same date the properly signed form of price list as prescribed herein, as follows:

#----------

Form No. R. 2. Revised–1947

POSTED PRICES

In accordance with the provisions of the approved Marketing Agreement and Order, as amended, regulating the handling of anti-hog-cholera serum and hog-cholera virus, the undersigned files this price list and respectfully represents to the Secretary of Agriculture, the Control Agency and all other handlers that, during the period this price list is in effect, all serum and virus sold by the undersigned to buyers in the classes named herein will be at the following prices, discounts and terms of sale at time of delivery, it being understood that the term "time of delivery" means the time when physical possession of the products sold is surrendered by the undersigned to the buyer or to a carrier for and on behalf of the buyer.

Consumers—Owners of Swine:
Serum:
Price ----------
Terms of sale and discounts ----------
Virus:
Price ----------
Terms of sale and discounts ----------
Dealers:
Serum:
Price ----------
Terms of sale and discounts ----------
Virus:
Price ----------
Terms of sale and discounts ----------
Wholesalers:
Serum:
Price ----------
Terms of sale and discounts ----------
Virus:
Price ----------
Terms of sale and discounts ----------

Where prices, terms of sale and discounts are omitted from this list with respect to any of the above classes of buyers, undersigned states that he makes no sales to such classes.

Signed ----------
By ----------
P. O. Address ----------

The foregoing rules and regulations were adopted by resolution of the Control Agency on February 10, 1948, to become effective thirty days following publication thereof in the FEDERAL REGISTER.

JOHN E. SWAIN,
Chairman, Control Agency.

[F. R. Doc. 48-3703; Filed, Apr. 26, 1948; 8:56 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Administrator of Civil Aeronautics, Department of Commerce

[Amdt. 4]

PART 600—DESIGNATION OF CIVIL AIRWAYS

MISCELLANEOUS AMENDMENTS

It appearing that: (1) The increased volume of air traffic at certain points necessitates, in the interest of safety in air commerce, the immediate establishment of control areas at such points; (2) the immediate realignment of civil airways in certain areas is necessary to expedite traffic control in such areas; (3) the establishment of the control areas referred to in (1) above, and the realignment of civil airways referred to in (2) above, have been coordinated with the civil operators involved, the Army, and the Navy, through the Air Coordinating Committee, Airspace Subcommittee; and (4) the general notice of proposed rule making and public procedure provided for in section 4 (a) of the Administrative Procedure Act (60 Stat. 238, 5 U. S. C. 1003) is impracticable and unnecessary:

Now therefore, acting under authority contained in sections 205, 301, 302, 307, and 308 of the Civil Aeronautics Act of 1938, as amended (52 Stat. 973, 984, 985, 986; 54 Stat. 1231, 1233, 1234, 1235; 49 U. S. C. 401; 425, 451, 452, 457, 458), and pursuant to section 3 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1002), I hereby amend the Code of Federal Regulations, Title 14, Chapter II, Part 600 as follows:

Designation and Redesignation of Civil Airways: Green Civil Airway No. 8; Amber Civil Airways Nos. 2 and 5; Red Civil Airways Nos. 10, 30, 31, 36, 40, 51, 68 and 69; Blue Civil Airways Nos. 30, 35, and 55

1. Section 600.4 (a) (8) is amended to read:

(8) *Green civil airway No. 8 (Attu, Alaska, to Northway, Alaska).* From the Attu (Casco), Alaska, radio range station via the Shemya, Alaska, radio range station; Adak, Alaska, radio range station; the intersection of the northeast course of the Adak, Alaska, radio range and the west course of the Atka, Alaska, radio range; Atka, Alaska, radio range station; Umnak (North Shore), Alaska, radio range station; the intersection of the northeast course of the Umnak (North Shore), Alaska, radio range and the west course of the Cold Bay (Randall), Alaska, radio range; Cold Bay (Randall), Alaska, radio range station; Heiden, Alaska, radio range station; Naknek, Alaska, radio range station; the intersection of the northeast course of the Naknek, Alaska, radio range and the southwest course of the Homer, Alaska, radio range; Homer, Alaska, radio range station; the intersection of the northeast course of the Homer, Alaska, radio range and the southwest course of the Anchorage, Alaska, radio range; Anchorage, Alaska, radio range station; the intersection of the northeast course of the Anchorage, Alaska, radio range and the southwest of the Gulkana, Alaska, radio range; Gulkana, Alaska, radio range station, and the intersection of the northeast course of the Gulkana, Alaska, radio range and the southwest course of the Northway, Alaska, radio range to the Northway, Alaska, radio range station.

2. Section 600.4 (b) (2) is amended to read:

(2) *Amber civil airway No. 2 (Long Beach, Calif., to Fairbanks, Alaska).* From the Long Beach, Calif., radio range station via the intersection of the northeast course of the Long Beach, Calif., radio range and the east course of the Los Angeles, Calif., radio range; Daggett, Calif., radio range station; Silver Lake, Calif., radio range station; the intersection of the northeast course of the Silver Lake, Calif., radio range and the southwest course of the Las Vegas, Nev., radio range; Las Vegas, Nev., radio range station; the intersection of the northeast course of the Las Vegas, Nev., radio range and the southwest course of the Enterprise, Utah, radio range; Enterprise, Utah, radio range station; Milford, Utah, radio range station; Delta, Utah, radio range station; Fairfield, Utah, radio range station; the intersection of the northeast course of the Fairfield, Utah, radio range and the south course of the Salt Lake City, Utah, radio range; Salt Lake City, Utah, radio range station; Ogden, Utah, radio range station; Malad City, Idaho, radio range station; Pocatello, Idaho, radio range station; Idaho Falls, Idaho, radio range station; DuBois, Idaho, radio range station; Dillon, Mont., radio range station; Whitehall, Mont., radio range station; Helena, Mont., radio range station; the intersection of the north course of the Helena, Mont., radio range and the southwest course of the Great Falls, Mont., radio range; Great Falls, Mont., radio range station; Cut Bank, Mont., radio range station to the intersection of the northwest course of the Cut Bank, Mont., radio range and the United States-Canadian Border. From the intersection of the northwest course of the Snag, Yukon Territory, radio range and the United States-Canadian Border via the Northway, Alaska, radio range station; the intersection of the northwest course of the Northway, Alaska, radio range and the north course of the Tanacross, Alaska, radio range; Big Delta, Alaska, radio range station; the intersection of the northwest course of the Big Delta, Alaska, radio range and the east course

of the Fairbanks, Alaska, radio range to the Fairbanks, Alaska, radio range station.

3. Section 600.4 (b) (5) is amended to read:

(5) *Amber civil airway No. 5 (New Orleans, La., to Milwaukee, Wis.).* From the New Orleans, La., radio range station via the Jackson, Miss., radio range station; Greenwood, Miss., radio range station; Memphis, Tenn., radio range station; Advance, Mo., radio range station; St. Louis, Mo., radio range station; the intersection of the north course of the St. Louis, Mo., radio range and the southwest course of the Springfield, Ill., radio range; Springfield, Ill., radio range station; Joliet, Ill., radio range station; the intersection of the northeast course of the Joliet, Ill., radio range and the south course of the Milwaukee, Wis., radio range to the Milwaukee, Wis., radio range station.

4. Section 600.4 (c) (10) is amended to read:

(10) *Red civil airway No. 10 (Trinidad, Colo., to Charleston, S. C.).* From the Trinidad, Colo., radio range station via the intersection of the east course of the Trinidad, Colo., radio range and the northwest course of the Dalhart, Tex., VHF radio range; Dalhart, Tex., VHF radio range station; the intersection of the southeast course of the Dalhart, Tex., VHF radio range and the north course of the Amarillo, Tex., radio range; Amarillo, Tex., radio range station; Wichita Falls, Tex., radio range station to the intersection of the southeast course of the Wichita Falls, Tex., radio range and the north course of the Fort Worth, Tex., radio range. From the intersection of the south course of the Fort Worth, Tex., radio range and the west course of the Dallas, Tex., radio range via the Dallas, Tex., radio range station; Shreveport, La., radio range; Monroe, La., radio range station; Jackson, Miss., radio range station; Meridian, Miss., radio range station; Birmingham, Ala., radio range station to the intersection of the southeast course of the Birmingham, Ala., radio range and the southwest course of the Atlanta, Ga., radio range. From the intersection of the northeast course of the Atlanta, Ga., radio range and the northwest course of the Augusta, Ga., radio range via the Augusta, Ga., radio range station to the Charleston, S. C., radio range station.

5. Section 600.4 (c) (30) is amended to read:

(30) *Red civil airway No. 30 (Shreveport, La., to Jacksonville, Fla.).* From the Shreveport, La., radio range station via the intersection of the south course of the Shreveport, La., radio range and the northwest course of the Alexandria, La., radio range; Alexandria, La., radio range station; intersection of the southeast course of the Alexandria, La., radio range and the northwest course of the Baton Rouge, La., radio range; Baton Rouge, La., radio range station to the intersection of the southeast course of the Baton Rouge, La., radio range and the west course of the New Orleans, La., radio range. From the Mobile, Ala., radio range station via the Crestview, Fla., radio range station; the intersection of the east course of the Crestview, Fla., radio range and the northwest course of the Tallahassee, Fla., radio range; the Tallahassee, Fla., radio range station to the Jacksonville, Fla., radio range station.

6. Section 600.4 (c) (31) is amended to read:

(31) *Red civil airway No. 31 (Denver, Colo., to Minneapolis, Minn.).* From the Denver, Colo., VHF radio range station to the intersection of the north course of the Denver, Colo., VHF radio range and the east course of the Cheyenne, Wyo., radio range. From the intersection of the east course of the Cheyenne, Wyo., radio range and the southwest course of the Scottsbluff, Nebr., radio range via the Scottsbluff, Nebr., radio range station; the intersection of the northeast course of the Scottsbluff, Nebr., radio range and the south course of the Rapid City, S. Dak., radio range; Rapid City, S. Dak., radio range station; Pierre, S. Dak., radio range station; the intersection of the east course of the Pierre, S. Dak., radio range and the southwest course of the Huron, S. Dak., radio range; Huron, S. Dak., radio range station; Watertown, S. Dak., radio range station; Willmar, Minn., radio range station to the intersection of the east course of the Willmar, Minn., radio range and the northwest course of the Minneapolis, Minn., radio range. From the Minneapolis, Minn., radio range station via the Stanton, Minn., non-directional radio beacon to the Lake City, Minn., airport.

7. Section 600.4 (c) (36) is amended to read:

(36) *Red civil airway No. 36 (Rochester, Minn., to La Crosse, Wis.).* From the Stanton, Minn., non-directional beacon via the Rochester, Minn., radio range station to the intersection of the east course of the Rochester, Minn., radio range and the northwest course of the La Crosse, Wis., radio range.

8. Section 600.4 (c) (40) is amended to read:

(40) *Red civil airway No. 40 (Shemya, Alaska, to Anchorage, Alaska).* From the Shemya, Alaska, radio range station via the Amchitka, Alaska, radio range station and the intersection of the east course of the Amchitka, Alaska, radio range and the southwest course of the Adak, Alaska, radio range to the Adak, Alaska, radio range station. From the Kodiak, Alaska, radio range station via the intersection of the north course of the Kodiak, Alaska, radio range and the south course of the Homer, Alaska, radio range to the Homer, Alaska, radio range station. From the intersection of the west course of the Homer, Alaska, radio range and the southwest course of the Kenai, Alaska, radio range via the Kenai, Alaska, radio range station; the intersection of the northeast course of the Kenai, Alaska, radio range and the west course of the Anchorage (Merrill), Alaska, radio range to the Anchorage (Merrill), Alaska, radio range station.

9. Section 600.4 (c) (51) is amended to read:

(51) *Red civil airway No. 51 (El Paso, Tex., to U. S.-Mexican Border).* From the El Paso, Tex., radio range station via the Van Horn, Tex., VHF radio range station; Marfa, Tex., VHF radio range station; Big Bend, Tex., VHF radio range station to the intersection of the southeast course of the Big Bend, Tex., VHF radio range and the U. S.-Mexican Border.

10. Section 600.4 (c) (68) is added to read:

(68) *Red civil airway No. 68 (El Paso, Tex., to Fort Worth, Tex.).* From the intersection of the south course of the El Paso, Tex., radio range and the west course of the Hudspath, Tex., VHF radio range via the Hudspath, Tex., VHF radio range station; Culberson, Tex., VHF radio range station; the intersection of the east course of the Culberson, Tex., VHF radio range and the southwest course of the Midland, Tex., radio range; Midland, Tex., radio range station; San Angelo, Tex., radio range station; the intersection of the northeast course of the San Angelo, Tex., radio range and the south course of the Abilene, Tex., radio range to the Abilene, Tex., radio range station; the intersection of the west course of the Fort Worth, Tex., radio range and the northwest course of the Waco, Tex., radio range via the intersection of the northwest course of the Waco, Tex., radio range and the west course of the Dallas, Tex., radio range to the intersection of the west course of the Dallas, Tex., radio range and the south course of the Fort Worth, Tex., radio range.

11. Section 600.4 (c) (69) is added to read:

(69) *Red civil airway No. 69 (El Paso, Tex., to Big Spring, Tex.).* From the intersection of the east course of the Culberson, Tex., VHF radio range and the southwest course of the Wink, Tex., VHF radio range to the intersection of the southwest course of the Wink, Tex., VHF radio range and the west course of the Wink, Tex., (low frequency) radio range. From the Midland, Tex., radio range station to the intersection of the northeast course of the Midland, Tex., radio range and the southwest course of the Big Spring, Tex., radio range.

12. Section 600.4 (d) (30) is amended to read:

(30) *Blue civil airway No. 30 (Brownsville, Tex., to Amarillo, Tex.).* From the intersection of the southeast course of the Alice, Tex., radio range and the southwest course of the Corpus Christi, Tex., radio range via the Corpus Christi, Tex., radio range station, excluding that portion which lies more than 2 miles southeast of the southwest course of the Corpus Christi, Tex., radio range; the intersection of the northwest course of the Corpus Christi, Tex., radio range and the southeast course of the San Antonio, Tex. (Kelly), radio range; San Antonio, Tex. (Kelly), radio range station; the intersection of the northwest course of the San Antonio, Tex. (Kelly), radio range and the southeast course of the Big Spring, Tex., radio range; Big Spring, Tex., radio range station; the intersec-

tion of the northwest course of the Big Spring, Tex., radio range and the south course of the Lubbock, Tex., radio range; Lubbock, Tex., radio range station; the intersection of the north course of the Lubbock, Tex., radio range and the south course of the Amarillo, Tex., radio range to the Amarillo, Tex., radio range station.

13. Section 600.4 (d) (35) is amended to read:

(35) *Blue civil airway No. 35 (Lebo, Kans., to Des Moines, Iowa).* From the intersection of the northwest course of the Lebo, Kans., radio range and the southwest course of the Topeka, Kans. (AFB), radio range via the Topeka, Kans. (AFB), radio range station to the intersection of the northeast course of the Topeka, Kans. (AFB), radio range and the northwest course of the Kansas City, Mo., radio range; from the intersection of the northeast course of the Kansas City, Mo., radio range and the south course of the Des Moines, Iowa, radio range to the intersection of the northwest course of the Kirksville, Mo., radio range and the south course of the Des Moines, Iowa, radio range.

14. Section 600.4 (d) (55) is added to read:

(55) *Blue civil airway No. 55 (Crestview, Fla., to Montgomery, Ala.).* From the Crestview, Fla., radio range station to the Maxwell Field, Montgomery, Ala., radio range station.

(52 Stat. 973, 984, 985, 986, 54 Stat 1231, 1233, 1234, 1235, 60 Stat. 238; 5 U. S. C. 1002, 49 U. S. C. 401, 425, 451, 452, 457, 458)

This amendment shall become effective 0001, e. s. t., April 27, 1948.

F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 48-3687; Filed, Apr. 26, 1948; 8:54 a. m.]

[Amdt. 6]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

MISCELLANEOUS AMENDMENTS

It appearing that: (1) The increased volume of air traffic at certain points necessitates, in the interest of safety in air commerce, the immediate establishment of control areas, including control zones and reporting points at such location; (2) the immediate realignment of civil airways in certain areas is necessary to expedite traffic control in such areas; (3) the establishment of the control areas referred to in (1) above, and the realignment of civil airways referred to in (2) above, have been coordinated with the civil operators involved, the Army and the Navy through the Air Coordinating Committee, Airspace Subcommittee; and (4) the general notice of proposed rule making and public procedure provided for in section 4 (a) of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) is impracticable and unnecessary.

Now therefore, acting under authority contained in sections 205, 301, 302, 307 and 308 of the Civil Aeronautics Act of 1938, as amended (52 Stat. 973, 984, 985, 986; 54 Stat. 1231, 1233, 1234, 1235; 49 U. S. C. 401, 425, 451, 452, 457, 458), Special Regulation No. 197 of the Civil Aeronautics Board (6 F. R. 6348), and pursuant to section 3 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1002) I hereby amend the Code of Federal Regulations, Title 14, Chapter II, Part 601 as follows:

Designation and Redesignation of Control Areas: Green Civil Airway No. 8; Red Civil Airways Nos. 30, 31, 40, 51, and 65; Blue Civil Airways Nos. 26, 32, 35, and 55. Designation and Redesignation of Control Zones. Designation and Redesignation of Reporting Points: Green Civil Airways Nos. 2 and 8; Red Civil Airways Nos. 1, 10, 30, 31 and 40; Blue Civil Airways Nos. 35 and 55

1. Section 601.4 (a) (8) is amended to read:

(8) *Green civil airway No. 8 control areas (Attu, Alaska, to Northway, Alaska).* From a line extended at right angles across such airway through a point 50 miles west of the Homer, Alaska, radio range station to a line extended at right angles across such airway through a point 50 miles northeast of the Anchorage, Alaska, radio range station; from a line extended at right angles across such airway through a point 50 miles southwest of the Northway, Alaska, radio range station to the Northway, Alaska, radio range station.

2. Section 601.4 (c) (30) is amended to read:

(30) *Red civil airway No. 30 control areas (Shreveport, La., to Jacksonville, Fla.).* All of Red civil airway No. 30.

3. Section 601.4 (c) (31) is amended to read:

(31) *Red civil airway No. 31 control areas (Denver, Colo., to Minneapolis, Minn.).* All of Red civil airway No. 31.

4. Section 601.4 (c) (40) is amended to read:

(40) *Red civil airway No. 40 control areas (Shemya, Alaska, to Anchorage, Alaska).* From a line extended at right angles across such airway through a point 50 miles south of the Homer, Alaska, radio range station to the Anchorage (Merrill), Alaska, radio range station.

5. Section 601.4 (c) (51) is amended to read:

(51) *Red civil airway No. 51 control areas (El Paso, Tex., to United States-Mexican Border).* No control area designation.

6. Section 601.4 (c) (65) is amended to read:

(65) *Red civil airway No. 65 control areas (Oceanside, Calif., to Blythe, Calif.)* No control area designation.

7. Section 601.4 (d) (26) is amended to read:

(26) *Blue civil airway No. 26 control areas (Anchorage, Alaska, to Fairbanks, Alaska).* From the Anchorage, Alaska, radio range station to a line extended at right angles across such airway through a point 50 miles north of the radio range station, and from the intersection of the northeast course of the Summit, Alaska, radio range and the southeast course of the Nenana, Alaska, radio range to the Fairbanks, Alaska, radio range station.

8. Section 601.4 (d) (32) is amended to read:

(32) *Blue civil airway No. 32 control areas (Seattle, Wash., to Fairbanks, Alaska).* From the Seattle, Wash., radio range station to the United States-Canadian Border and from the Skwentna, Alaska, radio range station to a line extended at right angles across such airway through a point 25 miles northeast of the radio range station.

9. Section 601.4 (d) (35) is amended to read:

(35) *Blue civil airway No. 35 control areas (Lebo, Kans., to Des Moines, Iowa).* All of Blue civil airway No. 35.

10. Section 601.4 (d) (55) is added to read:

(55) *Blue civil airway No. 55 control areas (Crestview, Fla., to Montgomery, Ala.).* All of Blue civil airway No. 55.

11. Section 601.4 (e) (33) is amended to read:

(33) *Control area extension (St. Joseph, Mo.).* From the St. Joseph, Mo., radio range station extending 5 miles either side of the north course of the St. Joseph, Mo., radio range to a point 20 miles north of the radio range station, and extending 5 miles either side of the south course of the St. Joseph, Mo., radio range to a point 20 miles south of the radio range station.

12. Section 601.4 (e) (35) *Control area extension (Sioux Falls, S. Dak.)* is revoked.

13. Section 601.4 (e) (35) is added to read:

(35) *Control area extension (Nashville, Tenn.).* From the Nashville, Tenn., ILS localizer extending 5 miles either side of the ILS localizer course to a point 30 miles south of the ILS localizer.

14. Section 601.4 (e) (62) is amended to read:

(62) *Control area extension (Raleigh, N. C.).* From the Raleigh, N. C., radio range station extending 5 miles either side of the southeast course of the Raleigh, N. C., radio range to a point 20 miles southeast of the radio range station, and from the ILS localizer extending 5 miles either side of the ILS localizer course to a point 30 miles southwest of the ILS localizer.

15. Section 601.4 (e) (72) is amended to read:

(72) *Control area extension (Newhall, Calif.).* From the Newhall, Calif., radio range station extending 5 miles either side of the southwest course of the Newhall, Calif., radio range to the intersection of the southwest course of the Newhall, Calif., radio range and the southeast course of the Santa Barbara, Calif., VHF range.

16. Section 601.4 (e) (74) is amended to read:

(74) *Control area extension (Los Angeles, Calif.).* From the Los Angeles, Calif., radio range station extending 5 miles on either side of the west course of the Los Angeles, Calif., radio range to a point 40 miles from the radio range station, and extending 5 miles either side of the southeast course of the Los Angeles, Calif., radio range to a point 40 miles from the radio range station; from the Los Angeles, Calif., radio range station extending 5 miles either side of a track of 205° magnetic to a point 40 miles from the radio range station; from the Los Angeles, Calif., VHF radio range station extending 5 miles either side of the south course of the Los Angeles, Calif., VHF radio range to a point 40 miles south of the radio range station.

17. Section 601.4 (e) (107) is added to read:

(107) *Control area extension (Topeka, Kans.).* From the Topeka, Kans., VHF radio range station extending 5 miles either side of the north course of the Topeka, Kans., VHF radio range to a point 20 miles north of the radio range station.

18. Section 601.4 (e) (108) is added to read:

(108) *Control area extension (Salina, Kans.).* From the Salina, Kans., VHF radio range station extending 5 miles either side of the north course of the Salina, Kans., VHF radio range to a point 20 miles north of the radio range station.

19. Section 601.4 (e) (109) is added to read:

(109) *Control area extension (Goodland, Kans.).* From the Goodland, Kans., VHF radio range station extending 5 miles either side of the north course of the Goodland, Kans., VHF radio range to a point 20 miles north of the radio range station.

20. Section 601.4 (e) (110) is added to read:

(110) *Control area extension (Fort Riley, Kans.)* From the Fort Riley (Marshall), Kans., radio range station extending ½ mile on the west side and 5 miles on the east side of the northeast course of the Fort Riley (Marshall), Kans., radio range to a point 20 miles northeast of the radio range station.

21. Section 601.4 (e) (111) is added to read:

(111) *Control area extension (San Diego, Calif.).* From the San Diego, Calif., radio range station extending 5 nautical miles either side of the west course of the San Diego, Calif., radio range to a point 3 nautical miles off-shore.

22. Section 601.4 (e) (112) is added to read:

(112) *Control area extension (Santa Barbara, Calif.).* From the Santa Barbara, Calif., radio range station extending 5 miles either side of a track 247° true to a point 3 nautical miles off-shore.

23. Section 601.4 (e) (113) is added to read:

(113) *Control area extension (San Francisco, Calif.).* From a point beginning at the intersection of a line extended through the San Francisco and Moffett Field, Calif., radio ranges and a line parallel to the southwest course of the San Francisco, Calif., radio range and 5 nautical miles northwest therefrom, proceed south 36° west parallel to the southwest course of the San Francisco, Calif., radio range to a point 3 nautical miles off-shore thence proceed in a southeasterly direction parallel to the shoreline and 3 nautical miles therefrom to the intersection of a line 5 nautical miles southeast of the southwest course of the Moffett Field, Calif., radio range and parallel thereto thence north 37° each to the intersection of a line extended through the San Francisco and Moffett Field, Calif., radio ranges thence in a northwesterly direction through the Moffett Field and San Francisco, Calif., radio ranges to the point of beginning. All bearings true.

24. Section 601.4 (e) (114) is added to read:

(114) *Control area extension (Chanute, Kans.).* From the Chanute, Kans., radio range station extending 5 miles either side of the east course of the Chanute, Kans., radio range to a point 20 miles east of the radio range station.

25. Section 601.4 (e) (115) is added to read:

(115) *Control area extension (Dodge City, Kans.).* From the Dodge City, Kans., Municipal Airport, extending 5 miles either side of a track 360° true to its intersection with the east course of the Garden City, Kans., radio range.

26. Section 601.4 (e) (116) is added to read:

(116) *Control area extension (Hutchinson, Kans.).* From the Hutchinson, Kans., radio range station extending 5 miles either side of the south course of the Hutchinson, Kans., radio range to a point 20 miles south of the radio range station.

27. Section 601.4 (e) (117) is added to read:

(117) *Control area extension (Lincoln, Nebr.).* From the Lincoln, Nebr., radio range station extending 5 miles either side of the north course of the Lincoln, Nebr., radio range to the intersection of the north course of the Lincoln, Nebr., radio range and the west course of the Omaha, Nebr., radio range, and extending 5 miles either side of the south course of the Lincoln, Nebr., radio range to a point 20 miles south of the radio range station.

28. Section 601.4 (e) (118) is added to read:

(118) *Control area extension (Grand Junction, Colo.).* From the Grand Junction, Colo., VHF radio range station extending 5 miles either side of the north course of the Grand Junction, Colo., VHF radio range to a point 20 miles north of the radio range station, and extending 5 miles either side of the ILS localizer course to its intersection with the north course of the Grand Junction, Colo., VHF radio range.

29. Section 601.4 (e) (119) is added to read:

(119) *Control area extension (St. Louis, Mo.).* From the St. Louis, Mo., ILS localizer extending 5 miles either side of the localizer course to a point 20 miles northeast of the ILS localizer.

30. Section 601.4 (e) (120) is added to read:

(120) *Control area extension (Iowa City, Iowa).* From the Iowa City, Iowa, Municipal Airport extending 5 miles either side of a track of 91° true to its intersection with the north course of the Burlington, Iowa, radio range.

31. Section 601.4 (e) (121) is added to read:

(121) *Control area extension (White Plains, N. Y.).* From the Westchester Airport, White Plains, N. Y., ILS localizer extending 5 miles either side of the localizer course to its intersection with the south course of the New Hackensack, N. Y., radio range.

32. Section 601.4 (e) (122) is added to read:

(122) *Control area extension (Lubbock, Tex.).* Within a 25 mile radius of the South Plains Airport, Lubbock, Tex.

33. Section 601.4 (e) (123) is added to read:

(123) *Control area extension (Birmingham, Ala.).* From the Birmingham, Ala., ILS localizer extending 5 miles either side of the ILS localizer course to a point 30 miles southwest of the ILS localizer.

34. Section 601.4 (e) (124) is added to read:

(124) *Control area extension (Meridian, Miss.).* From the Meridian (Key Field), Miss., ILS localizer extending 5 miles either side of the ILS course to a point 30 miles southwest of the ILS localizer.

35. Section 601.4 (e) (125) is added to read:

(125) *Control area extension (Tallahassee, Fla.).* From the Tallahassee (Dale Mabry Field), Fla., ILS localizer extending 5 miles either side of the ILS localizer course to a point 30 miles southwest of the ILS localizer.

36. Section 601.4 (e) (126) is added to read:

(126) *Control area extension (Knoxville, Tenn.).* From the Knoxville, Tenn., ILS localizer extending 5 miles either side of the ILS localizer course to a point 30 miles southwest of the ILS localizer.

37. Section 601.4 (e) (127) is added to read:

(127) *Control area extension (Charleston, S. C.).* From the Charleston, S. C., ILS localizer extending 5 miles either side of the ILS localizer course to a point 30 miles northwest of the ILS localizer.

38. Section 601.4 (e) (128) is added to read:

(128) *Control area extension (Jackson, Miss.).* From the Jackson, Miss., ILS localizer extending 5 miles either side of the ILS localizer course to a point 30 miles northwest of the ILS localizer.

39. Section 601.4 (e) (129) is added to read:

(129) *Control area extension (Washington, D. C.).* From a point beginning at Latitude 38°53'20" Longitude 76°40'50", thence to Latitude 38°51'17" Longitude 76°41'10", thence to Latitude 38°48'13" Longitude 76°48'37", thence to Latitude 38°49'30" Longitude 76°51'12", thence to Latitude 38°53'20" Longitude 76°40'50", point of beginning; and from a point beginning at Latitude 38°34'32" Longitude 76°41'35", thence to Latitude 38°38'10" Longitude 76°48'55", thence to Latitude 38°36'45" Longitude 76°51'35", thence to Latitude 38°27'00" Longitude 76°51'30", thence to Latitude 38°34'32" Longitude 76°41'35", point of beginning.

40. Section 601.8 (a) is amended by deleting the following airports:

El Toro, Calif.: El Toro Airport.
Lucin, Utah: C. A. A. Intermediate Field.

41. Section 601.8 (a) is amended by adding the following airports:

Schenectady, N. Y.: Schenectady Airport.

42. Section 601.8 (b) is amended by deleting the following airports:

Austin, Tex.: Robert Mueller Airport.
Lucin, Utah: Lucin Airport.
Wendover, Utah: Wendover Airport.

43. Section 601.8 (b) is amended by adding the following airports:

Akron, Ohio: Akron-Canton County Airport.
Alexandria, La.: Municipal Airport.
Baton Rouge, La.: Harding Field.
Chicago, Ill.: Orchard Place Airport.
Covington, Ky.: Greater Cincinnati Airport.
Elko, Nev.: Elko Airport.
El Toro, Calif.: El Toro Airport.
Lucin, Utah: C. A. A. Intermediate Field.
Merced, Calif.: Castle Field.
Midland, Tex.: Municipal Airport No. 1.
Wendover, Utah: Wendover A. F. B.

44. Section 601.8 (c) (16) is added to read:

(16) *Austin, Tex., control zone.* Within a 5 mile radius of the Robert Mueller Airport extending 5 miles either side of the ILS localizer course to the ILS outer marker.

45. Section 601.8 (c) (86) is amended to read:

(86) *Chicago, Ill., control zone.* Within a 6 mile radius of the Chicago Municipal Airport extending 2 miles either side of the northwest course of the Chicago, Ill., radio range to the Franklin Park Fan Marker, and 2 miles either side of the southeast course of the Chicago radio range to the intersection of the southeast course of the Chicago radio range and the east course of the Harvey, Ill., radio range.

46. Section 601.8 (c) (88) *Covington, Ky., control zone* is revoked.

47. Section 601.8 (c) (88) is added to read:

(88) *Dodge City, Kans., control zone.* Within a 5 mile radius of the Dodge City, Kans., Municipal Airport extending 2 miles either side of a track 360° from the Dodge City non-directional radio beacon to a point 10 miles north of the radio beacon.

48. Section 601.8 (c) (105) is amended to read:

(105) *Indianapolis, Ind., control zone.* Within a 5 mile radius of the Weir-Cook Municipal Airport extending 2 miles either side of the west course of the Indianapolis radio range to the Greencastle Fan Marker.

49. Section 601.8 (c) (128) is amended to read:

(128) *Ypsilanti, Mich., control zone.* Within a 6 mile radius of the Willow Run Airport.

50. Section 601.8 (c) (176) is amended to read:

(176) *Fresno, Calif., control zone.* Within a 5 mile radius of Hammer Field extending to and including a 5 mile radius of Chandler Field, and extending 2 miles either side of the northwest and southeast courses of the Fresno, Calif., radio range to a point 10 miles from the radio range station.

51. Section 601.8 (c) (179) is amended to read:

(179) *Los Angeles, Calif., control zone.* Within a 5 mile radius of the Municipal Airport and extending 2 miles either side of the east course of the Los Angeles, Calif., radio range to a point 6 miles east of the airport.

52. Section 601.8 (c) (181) is amended to read:

(181) *Ogden, Utah, control zone.* Within a 5 mile radius of the Ogden Municipal Airport (Hinckley Field) extending to and including a 3 mile radius of Hill Field and within 2 miles either side of the south course of the Ogden, Utah, radio range to the Layton, Utah, fan marker.

53. Section 601.8 (c) (183) is added to read:

(183) *Grand Junction, Colo., control zone.* Within a 5 mile radius of the Grand Junction Municipal Airport extending 2 miles either side of the ILS localizer course to a point 10 miles northwest of the ILS localizer, and extending 2 miles either side of the east course of the Grand Junction, Colo., VHF radio range to the radio range station.

54. Section 601.8 (c) (185) is amended to read:

(185) *Sacramento, Calif., control zone.* Within a 5 mile radius of the Sacramento Municipal Airport and extending 2 miles either side of the southwest course of the Sacramento radio range to a point 10 miles southwest of the radio range station, and extending 2 miles either side of the northeast course of the Sacramento radio range to intersect and include a 5 mile radius of Mather Field and a 5 mile radius of McClellan Field.

55. Section 601.8 (c) (186) is amended to read:

(186) *San Diego, Calif., control zone.* Within a 5 mile radius of the Municipal Airport (Lindbergh Field), extending 2 miles either side of the north course of the San Diego radio range to the La Jolla fan marker and including a 5 mile radius of the Miramar, Calif., Naval Auxiliary Air Station.

56. Section 601.8 (c) (189) is amended to read:

(189) *Olathe, Kans., control zone.* Within a 10 mile radius of the Naval Air Station excluding that portion which lies within Green civil airway No. 4 and extending 2 miles either side of the south course of the Olathe, Kans., Navy radio range to a point 10 miles south of the radio range station.

57. Section 601.8 (c) (222) is added to read:

(222) *Austin, Tex., control zone.* Within a 5 mile radius of the Robert Mueller Airport extending 2 miles either side of the northwest course of the Austin, Tex., radio range to the Lake Travis fan marker, and extending 2 miles either side of the Austin, Tex., ILS localizer course to the ILS outer marker.

58. Section 601.8 (c) (223) is added to read:

(223) *Charleston, W. Va., control zone.* Within a 5 mile radius of the Kanawha County Airport extending 2 miles either side of the east and west courses of the Charleston, W. Va., radio range to a point 10 miles west of radio range station.

59. Section 601.8 (c) (224) is added to read:

(224) *Anderson, S. C., control zone.* Within a 5 mile radius of the Anderson Airport extending 2 miles either side of the southwest course of the Spartanburg, S. C., radio range to a point 10 miles southwest of the Anderson Airport.

60. Section 601.8 (c) (225) is added to read:

(225) *Mansfield, Ohio, control zone.* Within a 5 mile radius of the Mansfield Municipal Airport extending 2 miles either side of a track 310° magnetic to a point 10 miles northwest of the airport.

61. Section 601.8 (c) (226) is added to to read:

(226) *Springfield, Ill., control zone.* Within a 5 mile radius of the Capital Airport extending 2 miles either side of the southwest course of the Springfield, Ill., radio range to a point 10 miles southwest of the radio range station.

62. Section 601.8 (c) (227) is added to read:

(227) *Salina, Kans., control zone.* Within a 10 mile radius of the Smoky Hill Air Force Base extending 2 miles either side of the north course of the Salina, Kans., VHF radio range to a point 10 miles north of the radio range

station excluding that portion which lies within danger areas.

63. Section 601.8 (c) (228) is added to read:

(228) *Fairbanks, Alaska, control zone.* Within a 5 mile radius of the Municipal Airport (Weeks-Fairbanks), extending 2 miles either side of the west course of the Fairbanks, Alaska, radio range to the radio range station.

64. Section 601.8 (c) (229) is added to read:

(229) *Fairfield, Calif., control zone.* Within a 5 mile radius of the Fairfield-Suisun Air Force Base extending 2 miles either side of the southwest course of the Fairfield-Suisun Army radio range to the intersection of the southwest course of the Fairfield-Suisun Army radio range and the northwest course of the Oakland, Calif., radio range, and extending 3 miles either side of the northeast course of the Fairfield-Suisun Army radio range to a point 20 miles northeast of the radio range station.

65. Section 601.8 (c) (230) is added to read:

(230) *Brunswick, Ga., control zone.* Within a 5 mile radius of the McKinnon Airport extending 2 miles either side of the north course of the Jacksonville, Fla., radio range to a point 10 miles north of the airport.

66. Section 601.8 (c) (231) is added to read:

(231) *Vero Beach, Fla., control zone.* Within a 5 mile radius of the Vero Beach Airport extending 2 miles either side of a track 239° true to a point 10 miles northwest of the airport.

67. Section 601.9 (a) (2) is amended to read:

(2) *Green civil airway No. 2 (Seattle, Wash., to Boston, Mass.).* Seattle, Wash., radio range station; Ellensburg, Wash., radio range station; Ephrata, Wash., radio range station; Spokane, Wash., radio range station; Coeur d'Alene, Idaho, radio range station; Mullen Pass, Idaho, radio range station; Superior, Mont., radio range station; Missoula, Mont., radio range station; Drummond, Mont., radio range station; Helena, Mont., radio range station; Bozeman, Mont., radio range station; Livingston, Mont., radio range station; Billings, Mont., radio range station; Custer, Mont., radio range station; Miles City, Mont., radio range station; Dickinson, N. Dak., radio range station; Bismarck, N. Dak., radio range station; Fargo, N. Dak., radio range station; Alexandria, Minn., radio range station; Minneapolis, Minn., radio range station; La Crosse, Wis., radio range station; Lone Rock, Wis., radio range station; Milwaukee, Wis., radio range station; Muskegon, Mich., radio range station; Grand Rapids, Mich., radio range station; Lansing, Mich., radio range station; Wixom, Mich., fan type radio marker station or the intersection of the north course of the Romulus, Mich. (Romulus Army Air Field) radio range and the east course of the Lansing, Mich., radio range; Romulus, Mich., radio range station; Buffalo, N. Y., radio range station; Rochester, N. Y., radio range station; Utica, N. Y., radio range station; Albany, N. Y., radio range station; Westfield, Mass., radio range station; the intersection of the northeast course of the Hartford, Conn., radio range and the southeast course of the Westfield, Mass., radio range; Franklin, Mass., fan type radio marker station or the intersection of the northeast course of the Providence, R. I., radio range and the southwest course of the Boston, Mass., radio range; Boston, Mass., radio range station.

68. Section 601.9 (a) (8) is amended to read:

(8) *Green civil airway No. 8 (Attu, Alaska, to Northway, Alaska).* Attu, Alaska, radio range stations; Shemya, Alaska, radio range station; Adak, Alaska, radio range station; the intersection of the west course of the Atka, Alaska, radio range and the northeast course of the Adak, Alaska, radio range; Atka, Alaska, radio range station; Umnak (North Shore), Alaska, radio range station; the intersection of the northeast course of the Umnak (North Shore), Alaska, radio range and the west course of the Cold Bay (Randall), Alaska, radio range; Cold Bay (Randall), Alaska, radio range station; Heiden, Alaska, radio range station; Naknek, Alaska, radio range station; the intersection of the northeast course of the Naknek, Alaska, radio range and the southeast course of the Iliamna, Alaska, radio range; the intersection of the west course of the Homer, Alaska, radio range and the southwest course of the Kenai, Alaska, radio range; Homer, Alaska, radio range station; the intersection of the east course of the Kenai, Alaska, radio range and the southwest course of the Anchorage, Alaska, radio range; Anchorage, Alaska, radio range station; the intersection of the northeast course of the Anchorage, Alaska, radio range and the southeast course of the Skwentna, Alaska, radio range; Gulkana, Alaska, radio range station; Northway, Alaska, radio range station.

69. Section 601.9 (b) (1) is amended to read:

(1) *Amber civil airway No. 1 (United States-Mexican Border to Nome, Alaska).* San Diego, Calif., radio range station; Long Beach, Calif., radio range station; Bakersfield, Calif., radio range station; Fresno, Calif., radio range station; the intersection of the southeast course of the Stockton, Calif., radio range and the northwest course of the Fresno, Calif., radio range; Evergreen, Calif., non-directional radio beacon; Williams, Calif., radio range station; Red Bluff, Calif., radio range station; Fort Jones, Calif., radio range station; Medford, Oreg., radio range station; Eugene, Oreg., radio range station; Portland, Oreg., radio range station; Toledo, Wash., radio range station; Everett, Wash., radio range station; Bellingham, Wash., radio range station; the intersection of the northwest course of the Massett, B. C., radio range and the southwest course of the Annette Island, Alaska, radio range; the intersection of the northwest course of the Massett, B. C., radio range and the southeast course of the Sitka (Biorka Island), Alaska, radio range; Sitka, Alaska, radio range station; the intersection of the northwest course of the Sitka (Biorka Island), Alaska, radio range and the southwest course of the Gustavus, Alaska, radio range; Yakutat, Alaska, radio range station; Yakataga, Alaska, radio range station; Cordova (Hinchinbrook Island), Alaska, radio range station; the intersection of the northwest course of the Cordova (Hinchinbrook Island), Alaska, radio range and the southeast course of the Anchorage, Alaska, radio range; Skwentna, Alaska, radio range station.

70. Section 601.9 (c) (1) is amended to read:

(1) *Red civil raiwway No. 1 (Portland, Oreg., to Kansas City, Mo.).* Pendleton, Oreg., radio range station; Baker, Oreg., radio range station; Boise, Idaho, radio range station; Burley, Idaho, radio range station; Laramie, Wyo., radio range station; Goodland, Kans., VHF radio range station; Salina, Kans., radio range station; Topeka, Kans., VHF radio range station.

71. Section 601.9 (c) (10) is amended to read:

(10) *Red civil airway No. 10 (Trinidad, Colo., to Charleston, S. C.).* Wichita Falls, Tex., radio range station; the intersection of the south course of the Fort Worth, Tex., radio range and the west course of the Dallas, Tex., radio range; Dallas, Tex., radio range station; the intersection of the east course of the Dallas, Tex., radio range and the northwest course of the Tyler, Tex., radio range; the intersection of the northeast course of the Tyler, Tex., radio range and the west course of the Shreveport, La., radio range; Shreveport, La., radio range station; Monroe, La., radio range station; Meridian, Miss., radio range station; Birmingham, Ala., radio range station; Augusta, Ga., radio range station.

72. Section 601.9 (c) (30) is amended to read:

(30) *Red civil airway No. 30 (Shreveport, La., to Jacksonville, Fla.).* Alexandria, La., radio range station; Baton Rouge, La., radio range station; Crestview, Fla., radio range station; Tallahassee, Fla., radio range station.

73. Section 601.9 (c) (31) is amended to read:

(31) *Red civil airway No. 31 (Denver, Colo., to Minneapolis, Minn.).* The intersection of the east course of the Cheyenne, Wyo., radio range and the southwest course of the Scottsbluff, Nebr., radio range; Scottsbluff, Nebr., radio range station; Rapid City, S. Dak., radio range station; Pierre, S. Dak., radio range station; Watertown, S. Dak., radio range station.

74. Section 601.9 (c) (40) is amended to read:

(40) *Red civil airway No. 40 (Shemya, Alaska, to Anchorage, Alaska).* Amchitka, Alaska, radio range station; the intersection of the southwest course of the Adak, Alaska, radio range and the southeast course of the Tanana, Alaska, radio range; the Kodiak, Alaska, radio range

station; the intersection of the northwest course of the Kenai, Alaska, radio range and the west course of the Anchorage (Merrill), Alaska, radio range.

75. Section 601.9 (d) (35) is amended to read:

(35) *Blue civil airway No. 35 (Lebo, Kans., to Des Moines, Iowa).* No reporting point designation.

76. Section 601.9 (d) (55) is added to read:

(55) *Blue civil airway No. 55 (Crestview, Fla., to Montgomery, Ala.).* No reporting point designation.

(52 Stat. 973, 984, 985, 986, 54 Stat. 1231, 1233, 1234, 1235, 60 Stat. 238; 5 U. S. C. 1002, 49 U. S. C. 401, 425, 451, 452, 457, 458)

This amendment shall become effective 0001, e. s. t., April 27, 1948.

F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 48-3688; Filed, Apr. 26, 1948; 8:55 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter II—National Guard and State Guard, Department of the Army

PART 201—NATIONAL GUARD REGULATIONS

MISCELLANEOUS AMENDMENTS

Paragraph (c) (1) (ii), (d) (2) (iv) (c), (d) (3) and (f) (4) of § 201.2, (d) and (e) (7) of § 201.3, (d) of § 201.4, and (e) of § 201.6 are rescinded and the following substituted therefor:

§ 201.2 *Federal recognition.* * * *

(c) *Persons eligible.* * * *

(1) *Initial procurement.* * * *

(ii) *From warrant officers and enlisted men—(a) Higher grades.* Warrant officers and enlisted men of the first three grades who have served honorably in active Federal service in the armed forces of the United States for a period of at least 6 months since December 7, 1941, and who may be nominated for appointment as second lieutenants, may be exempted from attendance at an officer candidate school by examining boards when their wartime experience clearly satisfies the required standards; *Provided,* That second lieutenants may be procured from among recent graduates of the Reserve Officers' Training Corps or officer candidate schools.

(b) *Former enlisted men.* Former enlisted personnel with a minimum of 6 months of active service in the Army of the United States or one of its components between December 7, 1941 and June 30, 1947, who are graduates of accredited colleges and universities, who meet the minimum age requirement, who have not passed their twenty-eight birthday at the time of appointment, and who have attended an institution where ROTC advanced training is nonexistent, or when the academic training period prior to graduation was not of sufficient duration for the individual to complete the advanced ROTC course.

(c) *Former prisoners of war.* An individual who, while serving as a warrant officer, flight officer, or as an enlisted man in one of the first three grades, was recommended for or tendered appointment to commissioned grade, but who was taken prisoner of war thereby foreclosing final action on the recommendation for or acceptance of appointment, may apply for examination for appointment as first lieutenant in an appropriate arm or service of the National Guard of the United States: *Provided,* That all service subsequent to original recommendation has been honorable and the applicant will not have reached his thirty-fifth birthday on date of appointment. In view of the fact that an individual eligible for appointment hereunder has demonstrated his ability for commissioned status, and was prevented from securing such status by circumstances beyond his control, examining boards will give his application special consideration. This applies whether the applicant is now in the active military service or has been separated from the active military service.

* * * * *

(d) *Requirements for recognition.* * * *

(2) *Assignment.* * * *

(iv) *To State Headquarters.* * * *

(c) *Other State Headquarters officers.* A person appointed as an officer of the National Guard and assigned to the State Headquarters may be recognized in any arm or service. These positions will be referred to as Staff and Administrative. Authorized grades for recognition will conform to the allotment prescribed by the Secretary of the Army.

* * * * *

(3) *Age (effective until 1 January 1951)*—(i) *For initial recognition.* No candidate will be examined for recognition who is less than 21 or more than 62 years old, nor unless his age is such that he can serve at least 1 year before recognition will be terminated under age limitations as set forth in subdivision (ii) of this subparagraph, except that: For rated officers in tactical air units no candidate for original commission as second lieutenant will be more than 27; as first lieutenant, more than 32; as captain, more than 37; as major, more than 40; as lieutenant colonel, more than 43; as colonel, more than 45. When a candidate already holds a commission in another component in the same or a higher grade than that for which he is applying for recognition, his appointment as an officer of the National Guard of his State shall not be taken as an "original commission" within the meaning of the foregoing sentence and he will be recognized in the grade in which appointed provided his age is such that he can serve at least 1 year before recognition will be terminated under the age-in-grade limitations. For other than air units and nonrated officers in tactical air units and all officers in nontactical air units, no candidate for direct appointment as second lieutenant from former warrant officers and enlisted men of the first three grades will be more than 32. A candidate will be considered over the maximum age for appointment upon reaching the birthday anniversary of the year above prescribed.

* * * * *

(f) *Withdrawal of recognition.* * * *

(4) When the time limit of a waiver granted under § 201.4 (b) and (d) expires and the officer has failed to complete the requirements prescribed therein.

* * * * *

§ 201.3 *Examination.* * * *

(d) *Determination of general qualifications.* The board will determine whether or not the general qualifications of the candidate indicate suitability for the military service. To this end the board will carefully consider his general education, personality, appearance, and bearing, and his business, professional, and military experience. It will also take into consideration the efficiency of any military unit which may have been under his command. In determining sufficiency of education the board should bear in mind the duties and responsibilities that will devolve upon the candidate. Should any doubt exist as to the sufficiency of the candidate's education, he will be examined in such subjects as the board deems necessary. This examination will be conducted in the manner prescribed for the professional examination and the result will be incorporated in the report of that examination. Each applicant not previously commissioned in the armed forces of the United States must have completed a minimum of high school or an accredited preparatory school of equal educational level, or have passed the General Educational Development Test (high school level or above) of the Armed Forces Institute. (See paragraph (e) (7) of this section.)

(e) *Professional examination.* * * *

(7) *Evidence of graduation from high school or higher educational institution or equivalent.* When a candidate produces satisfactory evidence of graduation from a standard high school or from an equivalent or higher institution of learning or evidence of having passed the General Educational Development Test of the Armed Forces Institute at high school or higher level, the board may accept this evidence in lieu of any tests designed to determine the candidate's general education.

* * * * *

§ 201.4 *Waivers.* * * *

(d) *Waiver of technical requirements.* When an officer is commissioned in an arm or service other than that in which he performed his wartime service or when, by reason of conversion of his unit or transfer to an arm or service other than that in which recognized, qualifications in those technical subjects not common to the two arms or services may be waived for a period of 1 year, or in exceptional cases, for such additional time as may be otherwise prescribed by the Chief, National Guard Bureau: *Provided,* That until such time as the Corps of Military Police, Transportation Corps, and the Army Security Agency may be accorded full status as a branch of the service, officers assigned to appropriate unit vacancies therein will be commissioned in their basic arm or service, but will be required to meet such technical requirements for grade and position assignment as may be prescribed by the Provost Marshal General, Chief of

Transportation, and Chief, Army Security Agency, through the Chief, Army Field Forces.

* * * * *

§ 201.6 *Officers of the National Guard of the United States.* * * *

(e) *Active duty.* In time of peace, officers of the National Guard of the United States will not be ordered to active duty, as prescribed in section 5 and 81 of the National Defense Act, as amended, and as prescribed in section 515, Public Law 381, 80th Congress, except by authority of the Department of the Army, and then only with the consent of the officers and the State authorities concerned.

* * * * *

[NGR 20, Dec. 11, 1947, as amended by C 1, March 30, 1948] (Sec. 58, 39 Stat. 197, as amended, 32 U. S. C. 4)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 48-3711; Filed, Apr. 26, 1948; 8:56 a. m.]

Chapter IX—Office of Materials Distribution, Bureau of Foreign and Domestic Commerce, Department of Commerce

[Materials Control Reg. 1, Amdt. 2]

PART 903—DELEGATIONS OF AUTHORITY

MISCELLANEOUS AMENDMENTS

Section 903.0 (Materials Control Regulation 1) (12 F. R. 2995), as amended September 19, 1947 (12 F. R. 6359, 6433), is hereby further amended as follows:

1. By the following changes in paragraph (a):

a. Insert the following, immediately after the first sentence: "In addition, by Executive Order No. 9942, dated April 1, 1948, (13 F. R. 1823) the President transferred to the Secretary of Commerce certain functions under the Rubber Act of 1948 (Public Law 469, 80th Congress)."

b. In the second subparagraph (unnumbered) of paragraph (a), delete the period after "Executive Order No. 9841" and insert the following: "and of the functions delegated by Executive Order No. 9942.".

2. By deleting the comma after "Executive Order No. 9841," in paragraph (b), and inserting the following: "and under paragraphs 1 and 3 of Executive Order No. 9942,".

3. By inserting the following in paragraph (c), after "Executive Order No. 9841": "and under paragraphs 1 and 3 of Executive Order No. 9942,".

4. By inserting the following at the end of paragraph (d): "In addition, Rubber Order R-1, as it has been amended since May 4, 1947, is hereby ratified and confirmed."

(Pub. Laws 427, 469, 80th Cong.; E. O. 9841, April 23, 1947, 12 F. R. 2645, E. O. 9942, April 1, 1948, 13 F. R. 1823)

Issued this 21st day of April 1948.

[SEAL] WILLIAM C. FOSTER,
Acting Secretary of Commerce.

[F. R. Doc. 48-3709; Filed, Apr. 26, 1948; 8:49 a. m.]

Chapter XXIV—Department of State, Disposal of Surplus Property

[Dept. Reg. 108.68]

[FLC Reg. 8, Order 6]

PART 8508—DISPOSAL OF SURPLUS PROPERTY LOCATED IN FOREIGN AREAS

IMPORTATION INTO UNITED STATES OF SURPLUS PROPERTY LOCATED IN FOREIGN AREAS

Foreign Liquidation Commissioner Regulation 8, Order 6, of December 30, 1947 (Departmental Regulation 108.63, 12 F. R. 8868) is hereby revised and amended to read as herein set forth.

The President has informed the Secretary of State that certain materials which have been or may be declared to the Foreign Liquidation Commissioner as surplus property located in foreign areas are in critically short supply and urgently needed for reconversion in the United States, and has requested the Secretary of State to take such action as may be necessary and appropriate to permit until October 31, 1948, the importation of such materials into the United States.

It is hereby ordered, That § 8508.15 of FLC Regulation 8 shall not apply to prevent the importation of surplus property specified in Schedule A attached hereto as the same now stands or may hereafter be amended or supplemented if those items are in transit to a point in the United States on or before October 31, 1948. For the purpose of this order "in transit to a point in the United States" shall mean the property involved has been delivered to or accepted by a carrier which has issued a through bill of lading thereon to a point in the United States.

(58 Stat. 765, 59 Stat. 533, 60 Stat. 168, 754; 50 U. S. C. App. Supp. 1611-46)

This order shall become effective when published in the FEDERAL REGISTER.

Issued: April 21, 1948.

Approved: April 21, 1948.

ROBERT A. LOVETT,
Acting Secretary of State.

SCHEDULE A

Graders: road: motorized: all sizes.

Tractors: crawler types: all classes and sizes, with or without bulldozer, angledozer, front and loader and power control units or winches (not more than one piece of mounted equipment per tractor).

Repair or service parts for graders: road: motorized: all sizes.

Repair or service parts for tractors: crawler types: all classes and sizes.

Truck chassis: 6 x 6, all wheel drive, 4 tons and up: with or without front mounted winch: all body types, including wrecking equipment, not more than one boom per truck.

Steel mill products: carbon steel.

Containers: steel; shipping barrels, drums and pails.

Cylinders: compressed gas.

Telephone and telegraph equipment, including but not limited to lead covered cable; line, messenger and drop wire; pole line hardware; outside plant communication equipment; central office equipment, including switchboard positions; and miscellaneous telephone apparatus.

Burlap: bags and strips.

[F. R. Doc. 48-3705; Filed, Apr. 26, 1948; 8:56 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

RED RIVER AT MONCLA, LA.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.556 (f) is hereby amended by the addition thereto of a subparagraph relating to the State of Louisiana Department of Highways bridge across Red River at Moncla, Louisiana, as follows:

§ 203.556 *Mississippi River and its navigable tributaries and outlets; bridges where constant attendance of draw tenders is not required.* * * *

(f) The bridges to which this section applies, and the advance notice required in each case, are as follows:

* * * * *

Red River, La.; State of Louisiana Department of Highways bridge at Moncla, La. (At least 48 hours' advance notice required.)

[Regs. 6 Apr. 1948, CE 823 (Red River-Moncla, La.)—ENGWR] (28 Stat. 362; 33 U. S. C. 499)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 48-3710; Filed, Apr. 26, 1948; 8:56 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 3—RADIO BROADCAST SERVICES

PART 13—COMMERCIAL RADIO OPERATORS

REVOCATION OF VARIOUS NUMBERED ORDERS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 17th day of March 1948;

The Commission having under consideration a proposal to revoke certain of its numbered orders which are either obsolete, are of a transitory nature, have been superseded by codified rules, have expired, or have been superseded by other action of the Commission; and

It appearing that the revocation of said numbered orders will be in furtherance of the Commission's plan to revoke all of its numbered orders so that all of its rules will be set forth in the appropriate parts of the Commission's rules and regulations to which the contents of said numbered orders relate; and

It further appearing that the adoption of said proposal will not change or affect the requirements of existing rules and regulations of the Commission and will not add any new requirements thereto and, therefore, the public notice and procedure provided for in section 4 of the Administrative Procedure Act is unnecessary herein;

It is ordered, That the following numbered orders of the Commission are revoked:

NUMBERED ORDERS OF THE COMMISSION

No.	Description	Reason for revocation
1	Organization of Commission into divisions.	Revoked by Order No. 20.
2	I. C. C. requested to complete tentative valuation report of Western Union.	Obsolete.
3	Directed Broadcast Division to conduct hearing with respect to non-profit broadcasting under section 307 (c) of Communications Act.	Transitory nature of order.
4	Established regulations governing filing of applications under section 212 of Act to hold position of officer or director of more than one carrier.	Codified in part 62.
5	Directed Telegraph Division to conduct hearing with respect to proposed legislation to authorize mergers of communication companies.	Obsolete.
6	Amended regulations in Order No. 4	Codified in part 62.
13	Ordered filing of annual reports by carriers pursuant to section 219 of act.	Codified in part 43.
16	Directed stations in Aviation Service to retain logs for stated periods.	Codified in part 9.
18	Amended frequency allocations from 10 kc. to 30 kc.	Codified in part 2.
19	Amended frequency allocations from 30 kc. to 300,000 kc.	Do.
20	Abolished divisions created by Order No. 1.	Elimination of existing numbered orders.
21	Upon abolition of Telephone Division, Commissioner Walker directed to complete proposed report on investigation authorized by Public Joint Resolution No. 8, 74th Cong.	Obsolete and superseded by provisions in part 1.
22	Abolished offices of division directors	Elimination of existing numbered orders.
24	Amended rules relating to the conduct of hearings.	Codified in part 1.
25	Directed Secretary to record all communications relating to applications and to notify correspondents of hearings.	Do.
26	Directed Secretary to prepare weekly report of filed applications and mail copies to Governors and Congressmen.	Procedure discontinued.
27	Delegations to named commissioners	Revoked by Order No. 29.
28 as amended	Delegations to Secretary, Chief Engineer and Commissioners to be selected by subsequent order.	Codified in part 1.
29	Revoked Order No. 27 and ordered delegations to named commissioners.	Expired by terms of order.
30	Monthly delegations to named commissioners.	Do.
32	do	Do.
33	Ordered filing by 5-1-38 of certain radio telegraph carriers.	Obsolete.
34	Requested common carriers to submit information with respect to employee pension and benefit plans.	Codified in part 43.
36	Monthly delegations to named commissioners.	Expired by terms of order.
37	Ordered investigation of and hearing on chain broadcasting.	Transitory nature of order.
38	Directed standard broadcast licensees to file income report for specified period.	Expired by terms of order.
39	Monthly delegations to named commissioners.	Do.
40	do	Do.
41	Fixed government telegraph rates for one year.	Do.
42	Monthly delegations to named commissioners.	Do.
43	Promulgated Uniform System of Accounts for Class C telephone companies.	Codified in part 33.
44	Monthly delegations to named commissioners	Expired by terms of order.
45	do	Do.
46	do	Do.
47	do	Do.
48	do	Do.
49	Authorized chairman to request detailing to Commission for 90 days of Director of Information of REA; abolished position of Information Expert.	Transitory nature of order; Information Division provided for in part 1.
50	Abolished Examining Department and positions of examiner and chief examiner; adopted hearing procedure.	Codified in part 1.
51	Monthly delegations to named commissioners.	Expired by terms of order.
52	do	Do.
53	do	Do.
54	do	Do.
55	do	Do.
56	do	Do.
57	do	Do.
58	Fixed government telegraph rates for one year.	Do.
59	Monthly delegations to named commissioners.	Do.
61	Directed common carriers engaged in foreign telegraph communications to file by specified date a report of their foreign traffic.	Revoked by Order No. 62.
62	Revoked Order No. 61	Elimination of existing numbered orders.
63	Directed common carriers engaged in foreign telegraph communications to file by 2-1-40, a report of their foreign traffic.	Transitory nature of order.
64	Requested filing by 4-1-40 of information with respect to foreign telegraph communications.	Obsolete.
65	Order further hearing to determine whether television was being retarded by action of RCA and suspended Section 4.73 of Rules.	Transitory nature of order.
67	Adopted frequency allocation plan for frequencies in the band 41,000-162,000.	Superseded by further action of Commission.
68	Dismissed without prejudice certain pending applications for station licenses.	Obsolete.
69	Ordered cancellation of listed experimental licenses.	Do.
69-A—69-O, incl.	Amended Order No. 69 to exclude from its provisions certain licenses.	Do.
70	Fixed government telegraph rates for one year.	Expired by terms of order.
71	Ordered international telegraph carriers to file by 9-15-40 information with respect to certain services.	Obsolete.
71-A	Time to file information under Order No. 71 extended to 11-15-40.	Do.
72-72-L, incl.	Amateurs prohibited from communicating with foreign operators; certain stations exempt from order.	Revoked by Order No. 130.
73-73-I, incl.	Prohibited operations of certain portable and portable-mobile amateur radio stations; certain operators exempt.	Do.
74	Standard daytime licensees not prohibited by Sections 3.6, 3.8, 3.9, 3.23, 3.79 and 3.84 from operation between 4 a. m. and local sunrise.	Revoked and superseded by codified rule.
75	Commercial and amateur radio operators to furnish proof of citizenship.	Revoked by Order No. 75-D.
75-A	Extended period for compliance with part of Order No. 75.	Do.
75-B	do	Do.
75-C	Commercial and amateur radio operators to furnish additional data as required.	Do.
75-D	Revoked Order Nos. 75-75-C; provided for new requirements.	Revoked by Order No. 75-E.
75-E	Revoked Order No. 75-D	Elimination of series.
76-76B	Extended amateur radio operator licenses to 12-3-41 upon compliance with Order No. 75.	Transitory nature of order.
78 to 78-D, incl.	Directed retention of certain original messages by carriers.	Revoked by Order No. 78-E.
78-E	Revoked Order Nos. 78 to 78-D, inclusive.	Elimination of existing numbered orders.
79	Ordered investigation and hearing to determine policy regarding newspaper applicants for broadcast stations.	Obsolete.
79-A	Designated issues for hearing under Order No. 79.	Do.
80	Fixed government telegraph rates for one year.	Expired by terms of order.
83 to 83-H, incl.	Suspended until 12-31-45 requirement of 6 months previous service for radio operators aboard U. S. ships.	Do.
84	Directed oral argument on proposed multiple ownership rule.	Obsolete.
84-A	Adopted section 3.35 multiple ownership rule.	Codified in Part 3.
84-B	Suspended section 3.35 and set forth procedure regarding compliance therewith.	Do.
87-87-B, incl.	Prohibiting amateur radio operation and issuance of modifications renewals.	Revoked by Order No. 130.
88	Confidential notice to b/c licensees regarding wartime operations.	Obsolete.
89-X	*Confidential*—Directed investigation of charges against former member of the Federal Radio Commission.	Do.
89-Y	do	Do.
90	Advanced one hour the average times of sunrise and sunset in existing licenses, etc.	Revoked by Order No. 129.
91-91-B, incl.	Relaxed requirements for broadcast station operators.	Superseded by Order No 91-C.
91-C	Relaxed requirements for broadcast station operators, superseding Order Nos. 91-91B, inclusive.	Revoked by Order No. 91-D.
91-D	Revoked Order No. 91-C	Elimination of series.
92	Directed filing by 4-20-42 by certain international carriers of information regarding operations pursuant to section 218 of act	Obsolete.
92-X	*Confidential*—Order inquiry into the ownership and control of certain broadcast stations	Do.
93	Waives operator license requirement for Latin-American students taking C. A. A. aeronautical training in U. S.	Wartime order—obsolete.
94	Waived section 3.71 with respect to minimum operating schedules of standard stations.	Revoked by Order No. 94-A.
94-A	Suspended section 3.71	Revoked by subsequent unnumbered order.
95	Amended 4.261 (a) to provide for 4-hour weekly operating schedule for television stations.	Revoked and superseded by codified rule.
96	Provided for the registration of diathermy apparatus.	Superseded by part 18.
96-A-96-C, incl.	Exempts persons in Hawaii from provisions of Order No. 96.	Superseded by other action of Commission.

NUMBERED ORDERS OF THE COMMISSION—Continued

No.	Description	Reason for revocation
97	Authorized issuance of Temporary Limited Radiotelegraph second-class operator licenses.	Revoked by Order No. 136.
98-98-A	Fixed government telegraph rates for one year.	Expired by terms of order.
99-99-B, incl.	Provided for registration of unlicensed radio transmitters (individuals and manufacturers).	Revoked by Order No. 131.
101	Required amateurs to register transmitters.	Do.
102	Relaxed requirements for aeronautical station operators.	Revoked by Order No. 102-A.
102-A	Revoked Order No. 102	Elimination of existing numbered orders.
103	Ordered investigation of service provided by telegraph carriers—requested by BWC.	Obsolete.
104	Waives operator license requirement for mobile police radio equipment in Hawaii.	Do.
107	Suspended section 3.52 and Standards with respect to methods of determining certain operating constants of standard stations.	Revoked by Order No. 107-A.
107-A	Revoked Order No. 107	Elimination of existing numbered orders.
110-110-H, incl.	Provided for termination date of international broadcast station licenses and suspended rule governing normal license period.	Expired by terms of orders and superseded by unnumbered order.
111	Suspended rules concerning minimum operating schedules of FM stations and substituted another schedule.	Superseded by Order No. 111-A.
111-A	Continues above suspension and revises new operating schedule.	Superseded by codified rules in Part 3.
112	Suspended rule requiring submission of field intensity measurements by FM licensees.	Do.
113	Ordered Western Union and Postal to file monthly studies of speed of service—requested by BWC.	Codified in parts 1 and 64.
117	Ordered investigation of telephone and telegraph facilities leased by carriers for non-essential purposes—requested by BWC.	Obsolete.
118	Notice of proposed rule making with respect to inspection of records.	Codified in part 1.
119	Notice of proposed rule making with respect to transcription and retention of network programs.	Obsolete.
120	Notice of proposed rule making with respect to announcements of mechanical records.	Codified in part 3.
121	Fixed government telegraph rates for one year.	Expired by terms of order.
122	Exempts licensees of non-scheduled aircraft radio stations from certain inspections.	Codified in part 9.
123	Established "Temporary Emergency Radiotelegraph Second Class Operator License."	Revoked by Order No. 136.
124	Provided that certain commercial radio operators' applications for renewal may be acted on by Commission.	Obsolete.
125	Fixed government telegraph rates for one year.	Expired by terms of order.
128-128-C, incl.	Permits applications for renewal of operator licenses to be acted upon notwithstanding section 13.11 of rules.	Do.
129	Revoked Order No. 90	Elimination of existing numbered orders.
131	Revoked Order Nos. 99-99B, inclusive, and 101.	Do.
134	Waived requirement that aircraft radio stations submit to inspections and extended non-scheduled aircraft station licenses to July 1, 1947.	Codified in part 9.
135	Fixed government telegraph rates until 6-30-47.	Expired by terms of order.

It is further ordered, That the following notes to the Commission's rules and regulations are revoked:

Note 9a to § 3.35.
Note 4 to § 3.718.
First paragraph of note 2a to § 13.2.
First paragraph of note 2b to § 13.2.

It is further noted, That this order shall become effective on May 1, 1948.

Released: March 18, 1948.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 48-3657; Filed, Apr. 26, 1948; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Bureau of Animal Industry

[9 CFR, Parts 4, 8, 14, 17, 18, 24, 25, 29]

MEAT INSPECTION

NOTICE OF PROPOSED AMENDMENTS

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U. S. C. Supp. 1003) that the Secretary of Agriculture proposes to amend the regulations (9 CFR 1945 Supp. Chapter I, Subchapter A, as amended) relating to Federal meat inspection under the Meat Inspection Act, as amended (21 U. S. C. and Supp. 71–91 and 97–97d), the so-called Horse-Meat Act (21 U. S. C. 96), and section 306 of the Tariff Act of 1930 (19 U. S. C. 1306) as follows:

Section 4.1 is to be amended to show clearly that establishments producing horse meat are not eligible for exemption from the Federal inspection requirements under the Horse-Meat Act.

Section 8.3 (d) is to be amended to set out the conditions under which water may be reused, to require the use of an ample supply of hot water for cleaning rooms and equipment subject to contamination by diseased carcasses, etc., and to prescribe the manner in which hot water shall be furnished for cleaning other rooms and equipment.

Section 14.5 is to be broadened to permit the release, from plants operating under Federal meat inspection, to responsible persons, of diseased, condemned and inedible materials for research and other purposes when authorized by the Chief of the Meat Inspection Division.

Section 17.1 is to be amended to exempt stockinettes from the labeling requirements of that section when they are used as operative devices, such as the devices applied to cured meats in preparation for smoking.

Section 17.8 (c) (39) is to be amended to provide that the amount of water added to potted meat food product and deviled meat food product shall be limited to that necessary to replace moisture lost during processing.

Section 17.8 (c) (42) is to be added to provide that canned product labeled "corned beef" and canned product labeled "roast beef parboiled and steam roasted" shall be prepared with cooked beef, and that the yield of the finished product shall not exceed 70 percent by weight of the fresh beef, plus salt and flavoring material included in the product.

Section 17.8 (c) (43) is to be added to prescribe the form of labeling of rendered fats to which monoglycerides and diglycerides have been added as permitted in proposed § 18.7 (c).

Section 17.9 (b) is to be amended to permit the use of colored opaque artificial casings without the use of the declaration "casing colored".

Section 18.6 (a) (8) is to be amended to prohibit the fermenting of casings in plants operating under Federal meat inspection and to require that the handling of intestines at such plants shall be conducted in a clean manner.

Section 18.7 (c) is to be amended to remove benzoate of soda and benzoic acid from the list of permitted preservatives except as provided in Part 28 of the regulations for use in oleomargine, and to add monoglycerides and diglycerides to the list of substances permitted to be used in the preparation of edible rendered fats.

Section 18.7 (d) is to be amended to add propyl gallate and propyl gallate with citric acid to the list of preservatives (antioxidants) permitted to be used in limited quantities in edible rendered fats.

Section 18.7 (n) is to be added to provide that the preparation of a ham for canning shall not result in an increase in weight of more than eight percent over the weight of the fresh uncured ham, that is the weight of the boneless

cured ham at the time of canning plus the weight of the skin, bones, fat and trimmings removed from the ham shall not exceed 108 percent of the weight of the fresh uncured ham.

Section 18.7 (o) is to be added to set out the conditions under which citric acid may be added to fresh beef blood to prevent coagulation.

Section 18.10 (b) is to be amended to require that pork stomachs and pork livers, when used as ingredients of a product which may be eaten without cooking, must be treated to destroy possible live trichinae.

Section 18.12 (c) is to be amended to provide that labeling will be deemed a sufficient means of distinguishing meat-containing animal foods from human food for purposes of the regulations, only if the foods are retort processed and otherwise meet the requirements of that section.

Section 18.17 is to be added to provide that when authorized by the Chief of the Meat Inspection Division, product of special type or kind may be shipped or transported from plants operating under Federal meat inspection, for educational uses, laboratory examination and other purposes.

Section 24.2 (a) is to be amended to recognize the present status of the Philippines as a foreign country for purposes of issuance of export certificates for inspected and passed product.

Section 24.2 (e) is to be amended to clearly show that, before clearance will be given to vessels carrying products destined to countries specified in § 24.3 (a) of the regulations, duplicates of export certificates for such products must be delivered to the chief officers of such vessels.

Section 24.3 (j) is to be amended to delete reference to Latvia, which is now a part of the Union of Soviet Socialist Republics, and to provide for the issuance in quintuplicate of certificates for product destined to Mexico.

Section 24.4 (a) is to be amended in several respects, as indicated below, so as to bring the United States meat inspection regulations on products for export to Canada into conformity with the latest regulations, known to the United States Department of Agriculture, under the Canadian Food and Drug Act and the Canadian Meat and Canned Foods Act. The following ten paragraphs relate only to products for export from the United States to Canada.

Section 24.4 (a) (3) is to be amended to state that foreign products originating in Argentina, Brazil, Eire, Great Britain, Northern Ireland, Paraguay, Switzerland, the Union of South Africa and Uruguay are eligible for entry into Canada, and to delete Czechoslovakia and Italy from the present list in this subparagraph of other countries in which products eligible for entry into Canada may originate.

Section 24.4 (a) (4) (ii) is to be amended to provide that benzoate of soda shall not be used in or upon meat or meat food products.

Section 24.4 (a) (4) (iii) is to be amended to delete the last sentence now contained therein defining "animals" for purposes of this subdivision as including not only mammals but also fish, fowls, crustaceans, mollusks and other animals used as food.

The first sentence of § 24.4 (a) (4) (vii) is to be amended to read as follows: "Containers and wrappers in contact with food products shall contain on their surfaces in contact with food products, no lead, antimony, arsenic, zinc, or copper, or any compounds thereof or any other poisonous or injurious substances." The remainder of § 24.4 (a) (4) (vii) is to remain unchanged.

Section 24.4 (a) (4) (ix) is to be amended to read as follows:

(ix) Sausage, sausage pudding, etc., shall be a comminuted meat or a mixture of such meats, either fresh, salted, pickled or smoked, with added salt and spices, and with or without the addition of edible animal fats, cereals, beef tripe, liver, blood or sugar, and with or without subsequent smoking. The finished product shall not contain a larger proportion of water than the meats from which it is prepared contain when in their fresh condition and not more than five (5) percent by weight of cereal, and if it contains any cereal the proportion of water shall not exceed sixty (60) percent by weight. If it bears a name descriptive of kind, composition or origin, it shall correspond to such descriptive name. All animal tissues used as containers, such as casings, stomachs, etc., shall be clean and sound and impart to the contents no substance other than salt.

Section 24.4 (a) (4) (xiii) is to be amended specifically to permit the addition of cereal to potted meat.

Section 24.4 (a) (4) (xiv) is to be amended specifically to permit the addition of salt to meat loaf.

Section 24.4 (a) (4) (xxi) is to be amended to provide that edible gelatin shall contain not more than 2.6 percent of ash and not less than 82 percent of ash free solids.

A new subdivision to be designated as § 24.4 (a) (4) (xxv) is to be added to read as follows:

(xxv) Processed lard shall be the food product made by adding to lard a small proportion of a stabilizer consisting of one or more of the following ingredients: gum guaiacum; vegetable oil containing tocopherols; lecithin; and citric acid, tartaric acid, ascorbic acid. The proportion of such stabilizers in processed lard, singly or in combination, shall not exceed two-tenths of one (0.2) percent by weight of the finished product. The label or marking of every package or container in which processed lard is offered for sale shall display the following statement in immediate conjunction with the name of the product, "Contains not more than 0.2 percent of * * *" in bold type not less than one-quarter of the size of that used in the name of the product.

Present § 24.4 (a) (4) (xxv) and § 24.4 (a) (4) (xxvi) are to be renumbered, respectively, as § 24.4 (a) (4) (xxvi) and § 24.4 (a) (4) (xxvii).

Section 25.17 (a) (2) is to be amended to permit the shipment in interstate or foreign commerce of materials referred to in proposed §§ 14.5 and 18.17 without compliance with certification and other requirements in Part 25 of the regulations.

Section 29.5 is to be amended to specify the form in which the domestic horse meat label is to be prepared.

Minor changes are also to be made in some of the regulations for purposes of clarification.

Any person who wishes to submit written data or arguments concerning the proposed amendments may do so by filing them with the Administrator of the Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., within 15 days after the date of publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 22d day of April 1948.

Witness my hand and the seal of the United States Department of Agriculture.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 48-3721; Filed, Apr. 26, 1948; 9:00 a. m.]

Production and Marketing Administration

[P. & S. Docket No. 450]

DENVER UNION STOCK YARD CO.

PETITION FOR CLARIFICATION AND MODIFICATION

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), the Assistant Secretary of Agriculture issued an order on February 17, 1937, prescribing rates and charges for the furnishing of stockyard services by the respondent. Since that date, a number of orders have been issued in this proceeding. Under the provisions of these orders presently in effect, the respondent is authorized to publish, demand, and collect the rates and charges set forth in its tariff No. 9 as supplemented, on file in the Livestock Branch, Production and Marketing Administration.

On April 6, 1948, the respondent filed a petition requesting the issuance of an order authorizing the respondent to publish, demand and collect on a permanent basis the rates and charges set out in its tariff No. 9 as presently supplemented. By the petition the respondent has also requested authorization to substitute respectively, the two paragraphs set out in full below for the first and third paragraphs, found under the heading "Subject to Exceptions hereinafter Stipulated," in section 1 of its tariff No. 9 as supplemented:

On livestock consigned to the Denver market and offered for sale, but forwarded unsold to another market or to the country, the yardage charge will be waived, unless offered for sale by auction in which event full yardage will apply.

Cattle and sheep purchased by contract for a specific consignee at point of origin, and moving on through billing to points beyond Denver, may be stopped at Denver to be weighed, classified, sorted, inspected, delivered, tagged, faced, crotched, and/or diverted for a charge of $7.50 per car or per truck in lieu of yardage. In the event the

shipment, or a part of it, is sold on the Denver market, the regular yardage charge will apply on that portion sold. If the shipment moves out of Denver to a consignee other than that shown on the original contract, full yardage charges will apply. (See Note)

NOTE: This provision is subject to cancellation on one day's notice.

The respondent has further requested, in its petition, authorization to modify certain of the rates and charges provided for in section 1 of its Tariff No. 9 as pressently supplemented, such authorization to be in effect for a period of two years following the effective date of the order. The modifications requested are set out in section 1 of the proposed supplement No. 5 to Tariff No. 9 attached to the petition and are set out and compared with existing rates below:

	Present charges	Proposed charges
Yardage charges		
Cattle:	$0.50	$0.55
Rail	.57	.62
Truck	.50	.55
Resales—Commission Division		
Calves:		
Rail	.33	.36
Truck	.38	.41
Resales—Commission Division	.33	.36
Hogs:		
Rail	.18	.20
Truck	.20	.22
Direct by rail	.10	.12
Direct by truck	.12	.14
Resales—Commission Division	.18	.20
Sheep or goats:		
Rail	.10	.11
Truck	.13	.14
Resales—Commission Division	.10	.11
Horses or mules:		
Rail	.50	.55
Resales—Commission Division	.50	.55
Disinfecting charges		
Pens, single load	[1] 2.50	[1] 5.00
Pens, double load	[1] 4.00	[1] 8.00
Chutes	[1] 2.50	[1] 5.00
Alleys	[2]	[2]
Disinfecting stock cars	[3] 2.50	[3] 5.00
Disinfecting stock trucks or trailers	[4] .50	[4] 5.00

[1] Each.
[2] Same proportion as pens.
[3] Per car.
[4] Per truck.

If authorized the modifications will produce additional revenues for the respondent and increase the cost of marketing to the shippers. Accordingly, it appears that public notice should be given of the filing of the petition in order that all interested persons may have an opportunity to be heard in the matter.

Now therefore, notice is hereby given to the public and to all interested persons of the filing of such petition.

All interested persons who desire to be heard upon the matter requested in said petition shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days from the date of pulication of this notice.

Done at Washington, D. C., this 20th day of April 1948.

[SEAL] H. E. REED,
Director, Livestock Branch, Production and Marketing Administration.

[F. R. Doc. 48-3704; Filed, Apr. 26, 1948; 8:56 a. m.]

O. K. STOCK YARDS, MAYSVILLE, KY.

POSTING OF STOCKYARDS

The Secretary of Agriculture has information that the O. K. Stock Yards at Maysville, Kentucky, is a stockyard as defined by section 302 of the Packers and Stockyards Act, 1921 (7 U. S. C. 202), and should be made subject to the provisions of that act.

Therefore, notice is hereby given that the Secretary of Agriculture proposes to issue a rule designating the stockyard named above as a posted stockyard subject to the provisions of the Packers and Stockyards Act, 1921 (7 U. S. C. 181 et seq.), as is provided in section 302 of that act. Any interested person who desires to do so may submit, within 15 days after the publication of this notice, any data, views, or argument, in writing, on the proposed rule to the Director of the Livestock Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C.

Done at Washington, D. C., this 20th day of April 1947.

[SEAL] H. E. REED,
Director, Livestock Branch, Production and Marketing Administration.

[F. R. Doc. 48-3724; Filed, Apr. 26, 1948; 9:01 a. m.]

[7 CFR, Ch. IX]

[Docket—AO-187]

HANDLING OF POTATOES IN WYOMING AND WESTERN NEBRASKA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND TO A PROPOSED MARKETING ORDER

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and orders (7 CFR, Supps., 900.1 et seq.; 11 F. R. 7737; 12 F. R. 1159, 4904), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed marketing agreement and to a proposed marketing order regulating the handling of Irish potatoes grown in Wyoming and Western Nebraska to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, Room 1844, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the tenth day after publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. A hearing on the aforementioned proposed marketing agreement and proposed order was held at Scottsbluff, Nebraska, on August 25-26, 1947, after a notice thereof which was issued on August 5, 1947 (12 F. R. 5396). Two of the most material issues presented on the record of hearing were:

(1) The desirability of and economic justification for entering into an agreement and the issuing of an order for regulating the handling of Irish potatoes grown in certain counties of Western Nebraska and in the State of Wyoming.

(2) The necessity for and the equitable nature and scope of the provisions of the proposed marketing agreement and order as set out in the notice of hearing.

Findings and conclusions. Upon the basis of the evidence adduced at such hearing, it is hereby found and concluded that a marketing agreement should not be entered into and an order should not be issued for regulating the handling of Irish potatoes grown in Western Nebraska and in the State of Wyoming for the record of the aforesaid hearing does not justify entering into such proposed marketing agreement or issuing such proposed order and the record does not justify the institution of such proposed regulations in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended.

In view of the conclusion that the record fails to justify entering into a marketing agreement and order, there appears to be no need for a discussion of the issues relating to the individual provisions of the proposed regulatory program for the production area.

Rulings on proposed findings and conclusions. Interested parties were allowed until September 16, 1947 by the Presiding Officer at the hearing on the proposed marketing agreement and order to file briefs on findings of facts and conclusions based on evidence introduced at the hearing. No briefs were filed, hence no rulings were necessary.

Filed at Washington, D. C., this 22d day of April 1948.

[SEAL] S. R. NEWELL,
Acting Assistant Administrator.

[F. R. Doc. 48-3726; Filed, Apr. 26, 1948; 8:57 a. m.]

[7 CFR, Part 965]

HANDLING OF MILK IN CINCINNATI, OHIO, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND TO PROPOSED AMENDMENTS TO ORDER, AS AMENDED

Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR, Supps., 900.1 et seq.; 12 F. R. 1159, 4904), a public hearing was held at Cincinnati, Ohio, on March 11, 1948, pursuant to notice thereof which was published in the FEDERAL REGISTER on March 9, 1948 (13 F. R. 1267)

and actual notice given to interested parties prior thereto upon certain proposed amendments to the tentative marketing agreement heretofore approved by the Secretary of Agriculture, and to the order, as amended, regulating the handling of milk in the Cincinnati, Ohio, marketing area.

Preliminary statement. The proposed amendments upon which the hearing was held were submitted by the K. I. O. Milk Producers Association, Inc.; The Cooperative Pure Milk Association, and the Cincinnati Sales Association.

The material issues presented on the record of hearing were whether:

(1) The March 1948 Class I and Class II price differentials of $1.35 and $0.90, respectively, should be continued for the delivery periods April through July 1948.

(2) An emergency exists which warrants immediate effectuation of revisions in the order.

Findings and conclusions. The following findings and conclusions on the material issues are based upon the evidence introduced at the hearing and the record thereof:

(1) For the months of May through July of 1948, only the Class I and Class II price differentials should be established at the March 1948 levels of $1.35 and $0.90, respectively.

The evidence indicates that during the months of November and December 1947, and January 1948, utilization of Class I and Class II milk exceeded total producer receipts in the market. In seven months of 1947, emergency milk was used. Approximately 90 percent of this milk was classified as Class I milk and Class II milk.

Class I sales in the market increased approximately 6 percent in the last three months ending January 31, 1948, over the corresponding months a year ago, while during the same period receipts of milk from producers increased less than 2 percent. During this three month period emergency milk not subject to farm inspection by the Cincinnati Board of Health was brought into the market and a total of 6 million pounds was allotted to Class I milk and one million pounds to Class II milk. This shortage of producer milk was shown to be caused by several factors mostly related to an inadequate price to producers, and particularly to the sharp decline in the basic formula prices during the spring of 1947. Although the utilization experience in the past 3 years shows no usage of emergency milk during the period May through August, a reduction of Class I and Class II differentials during this period in 1948 would seriously jeopardize the supply of milk for the fall and winter months of 1948.

A considerable amount of milk has been lost from the market in recent months by the shifting of producers to other markets. Producers have been offered higher prices or bonuses to transfer from the Cincinnati market. Other producers have disposed of all or part of their herds, chiefly for slaughter. Dairy cattle can be sold for slaughter at relatively high prices. Daily production of milk per farm declined 4.3 percent in January 1948, compared with January 1947. Stocks of home grown feed on farms are relatively low and the available supply of hay is of poor quality. More feed than usual must be purchased by producers during the spring and summer of 1948. Although feed prices in February generally were 20 to 30 percent lower than the peak of the prices reached in January, they were approximately 20 percent higher than a year ago. Cost of production studies show milk production costs have increased about 24 percent in February over a year ago as compared with a 16 percent increase in Class I and Class II prices.

The provision for a 30 cent decrease in Class I and Class II differentials is the first application of seasonal differentials in the Cincinnati market under the order. If producer prices are permitted to decline in the coming spring and summer months as a result of the usual seasonal decline in basic prices, changes in the utilization pattern of producer milk in the market and a seasonal reduction in Class I and Class II price differentials, the number of dairy cattle sold for slaughter and the number of producers leaving the market is likely to increase. Although the evidence indicated that more uniform production is desirable as a long time program, under prevailing conditions the application of seasonal Class I and Class II price differentials in the spring and summer months of 1948 would seriously threaten the future supply of pure and wholesome milk for the marketing area. The maintenance of the Class I and Class II differentials for the months of May through July, 1948, at $1.35 and $0.90, respectively, is necessary to assure an adequate supply of pure and wholesome milk for the Cincinnati market in future months, promote orderly marketing and be in the public interest.

(2) An emergency exists which requires that action be taken promptly to amend the order to effectuate the findings and conclusions set forth above without allowing time for a recommended decision by the Assistant Administrator, Production and Marketing Administration and the filing of exceptions thereto. The due and timely execution of the functions of the Secretary of Agriculture under the act imperatively and unavoidably requires the omission of such recommended decision and the filing of exceptions thereto.

Under the provisions of the order, the amounts added to the basic formula price as Class I and Class II differentials will decrease 30 cents per hundredweight May 1, 1948, below the March level. Because of the emergency conditions prevailing in the market, these differentials were maintained at the March level in April 1948 by suspension action. Producer and handler testimony showed that under the prevailing conditions the seasonal decline of Class I and Class II differentials during the spring and summer of 1948 would seriously jeopardize the future supply of milk for the marketing area. Any delay beyond May 1, 1948, of effectuating the needed changes in the order would seriously threaten an adequate supply of pure and wholesome milk for the Cincinnati market, would disrupt orderly marketing and would be contrary to the public interest. The amending order cannot be issued and made effective by May 1, 1948, unless the recommended decision and the filing of exceptions thereto are omitted.

(3) *General.* (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, regulate the handling of milk in the same manner and are applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held; and

(c) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to section 2 and section 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for such milk, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest.

No briefs were filed by interested parties with respect to the proposals discussed at the hearing. One of the handlers subject to the order filed a request that the hearing be reopened because of the improper debarment of its attorney at the hearing held in this proceeding. However, this handler subsequently filed a statement indicating that it did not desire to introduce any additional evidence and consenting that the hearing may be considered closed insofar as its original appeal to reopen is concerned.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled "Marketing Agreement Regulating the Handling of Milk in the Cincinnati, Ohio, Milk Marketing Area" and "Order Amending the Order, As Amended, Regulating the Handling of Milk in the Cincinnati, Ohio, Milk Marketing Area" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered that all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order amending the order, as amended, which will be published with the decision.

This decision filed at Washington, D. C., this 22d day of April 1948.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

Order Amending the Order, as Amended, Regulating the Handling of Milk in the Cincinnati, Ohio, Milk Marketing Area [1]

§ 965.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure covering the formulation of marketing agreements and orders (7 CFR, Supp., 900.1 et seq.; 12 F. R. 1159, 4904), a public hearing was held on March 11, 1948, upon certain proposed amendments to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Cincinnati, Ohio, milk marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held.

The foregoing findings are supplementary and in addition to the findings made in connection with the issuance of the aforesaid order and the findings made in connection with the issuance of each of the previously issued amendments thereto; and all of said previous findings are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings set forth herein.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Cincinnati, Ohio, Milk Marketing Area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete from § 965.6 (a) (1) the provisos contained therein and substitute therefor the following: "*Provided,* That for the delivery periods of May, June, and July, 1948, the amount added to the Class III price shall be $1.35."

2. Delete from § 965.6 (a) (2) the provisos contained therein and substitute therefor the following: "*Provided,* That for the delivery periods of May, June, and July, 1948, the amount added to the Class III price shall be $0.90."

[F. R. Doc. 48-3727; Filed, Apr. 26, 1948; 8:57 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

[7 CFR, Part 972]

Handling of Milk in Tri-State Milk Marketing Area

Decision With Respect to Proposed Marketing Agreement and to Proposed Amendments to Order, as Amended

Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR, Supps., 900.1 et seq.; 12 F. R. 1159, 4904), a public hearing was held at Huntington, West Virginia, on March 15, 1948, upon certain proposed amendments to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Tri-State milk marketing area.

Preliminary statement. Material issues presented at this hearing are as follows:

(1) The revision of the amounts to be added to the basic formula price for the months of April, May, June, July, and August, 1948, for Class I and Class II milk.

(2) The need for emergency action.

Findings and conclusions. The following findings and conclusions on material issues are based upon evidence introduced at the hearing:

(1) The differential to be added to the basic formula price should be established for the delivery periods of May, June, July, and August, 1948, for Class I milk at $1.35 for the Huntington district plants and at $1.15 for other plants and for Class II milk at $1.05 for Huntington district plants and $0.85 for other plants.

The supply of milk from regular sources had not been adequate for the need of the Tri-State market for the past several months. Daily Class I utilization of milk increased 6.9 percent in January, 1948, over January, 1947, and 5.1 percent in February over the previous year. While producer milk receipts also increased by 4.3 percent and 4.2 percent, respectively, the greater January–February increase in Class I utilization resulted in the necessity for use in these months of 687,139 pounds of additional other source milk. This represents an increase of 32.7 percent in the amount of this milk not subject to the applicable health department inspection allocated to Class I in the first two months of 1948 over the corresponding period of 1947.

The amount of inspected producer milk received for the area as a whole was insufficient to supply Class I (fluid milk) utilization in five months of 1947, and in January and February, 1948. As there was no method of allocating inspected milk on the basis of need among individual handlers some were short over a longer period than is indicated by data for the market as a whole. One of the two handlers testifying stated that he had enough producer milk for fluid sales in only three or four months of the year. This shortage is expected to continue for the last half of the year.

Costs of feeding dairy cattle in the Tri-State area have increased considerably over the early months of 1947. For example, dairy rations, both 16 percent and 32 percent, were over 12 percent higher in price in March 1948, than in March 1947, and hay was 25 percent to 30 percent higher. According to feed dealer testimony, the March level of feed prices in the area was the highest ever experienced for that month. Stocks of home grown feeds on farms are unusually low, and heavier than normal feed purchases will be necessary in the spring and summer of 1948. Testimony indicated there was no apparent prospect of a substantial reduction in feeding costs in the spring and summer of 1948. The pasture season is short and supplementary feeding is necessary. Cost of maintaining pasture is in some cases as high as that of other feeds. The new grain crop will not be available until the fall of 1948.

Seasonal variation in the price differential was incorporated into the order July 1, 1947. Hence, lower spring and summer class differentials have not yet been used in this market under the order. In 1947, with a fixed differential throughout the year the blend price dropped $1.16 from January to June due to the lower basic formula price and higher utilization of milk in the lower classes. A low spring price resulting from the combined factors of seasonally lower basic prices, more lower class utilization and a lower differential would result in loss of producers to competing markets which are not expected to follow a seasonal pricing pattern. Although the production pattern indicates that more uniform production is desirable, under conditions prevailing in this area at this time a reduction in the differential in addition to the other factors would result in an abnormally low price during the months of May, June, July, and August of 1948.

The maintenance of the current Class I and Class II differentials for the months of May through August, 1948, will result in such prices as will reflect the price of feeds and available supplies of feeds and other economic conditions which affect market supply and demand for milk or its products in the marketing area, insure a sufficient quantity of pure and wholesome milk, and be in the public interest.

(2) An emergency exists which requires that action be taken promptly to amend the order to effectuate the above findings and conclusions without allowing time for a recommended decision by

the Assistant Administrator, Production and Marketing Administration, and the filing of exceptions thereto. The due and timely execution of the functions of the Secretary of Agriculture under the act imperatively and unavoidably requires the omission of such recommended decision and filing of exceptions thereto.

Under the provisions of the order, the amounts added to the basic formula price as Class I and Class II differentials will decrease 25 cents per hundredweight May 1, 1948, below the February level. Because of emergency conditions prevailing in the market these differentials were fixed at the February level for the month of April by suspension action. Producer testimony showed that under the prevailing conditions the seasonal decline in the Class I and Class II differentials during the spring and summer of 1948 would jeopardize the future supply of milk for the marketing area. Any delay beyond May 1, 1948, in effectuating the needed changes in the order would seriously threaten an adequate supply of pure and wholesome milk for the Tri-State market, would disrupt orderly marketing and would be contrary to the public interest. The amending order cannot be issued and made effective by May 1, 1948, unless the recommended decision and the filing of exceptions thereto are omitted.

(3) *General.* (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, regulate the handling of milk in the same manner and are applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held; and

(c) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to section 2 and section 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for such milk, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest.

Rulings on proposed findings and conclusions. Written arguments and proposed findings and conclusions submitted on behalf of interested persons were considered, along with the evidence in the record, in making the findings and reaching the conclusions herein set forth. To the extent that the proposed findings and conclusions differ from the findings and conclusions contained herein, the specific or implied requests to make such findings are denied because of the reasons stated in support of the findings and conclusions in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled "Marketing Agreement Regulating the Handling of Milk in the Tri-State Milk Marketing Area" and "Order Amending the Order, As Amended, Regulating the Handling of Milk in the Tri-State Milk Marketing Area" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decision except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order amending the order, as amended, which will be published with the decision.

This decision filed at Washington, D. C., this 22d day of April 1948.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

Order Amending the Order, as Amended, Regulating the Handling of Milk in the Tri-State Milk Marketing Area[1]

§ 972.0 *Findings and determinations—*(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure covering the formulation of marketing agreements and orders (7 CFR, Supps., 900.1 et seq.; 12 F. R. 1159, 4904), a public hearing was held on March 15, 1948, upon certain proposed amendments to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Tri-State milk marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk and the minimum prices specified in the order, as amended, and as hereby further amended, and such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held.

The foregoing findings are supplementary and in addition to the findings made in connection with the issuance of the aforesaid order, and the findings made in connection with the issuance of the previously issued amendments thereto; and all of said previous findings are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings set forth herein.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Tri-State milk marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete from § 972.5 (b) the provisos contained therein and substitute therefor the following: *"Provided,* That for the delivery periods of May, June, July, and August, 1948, the amount added to the basic formula price shall be $1.35 for the Huntington district plants, and $1.15 for other plants."

2. Delete from § 972.5 (c) the provisos contained therein and substitute therefor the following: *"Provided,* That for the delivery periods of May, June, July, and August, 1948, the amount added to the basic formula price shall be $1.05 for the Huntington district plants and $0.85 for other plants."

[F. R. Doc. 48-3722; Filed, Apr. 26, 1948; 9:00 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

[7 CFR, Part 974]

HANDLING OF MILK IN COLUMBUS, OHIO, MILK MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED AMENDMENT TO ORDER, AS AMENDED

Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR, Supps., 900.1 et seq.; 12 F. R. 1159, 4904), a public hearing was held at Columbus, Ohio, on February 25, and March 8–10, 1948, pursuant to notice thereof which was published in the FEDERAL REGISTER (13 F. R. 809), upon certain proposed amendments to the tentative marketing agreement heretofore approved by the Secretary of Agriculture, and to the order, as amended, regulating the handling of milk in the Columbus, Ohio, marketing area.

Preliminary statement. The proposed amendments upon which the hearings were held were submitted by the Central Ohio Cooperative Milk Producers, Inc., handlers subject to Order No. 74, and the Dairy Branch, Production and Marketing Administration.

The material issues presented on the record of hearing are divided for the purpose of this decision into two categories:

(1) Those issues with respect to which findings and conclusions are being deferred pending further study and analysis of the hearing record.

(2) Those issues with respect to which findings and conclusions are herein set forth.

The first category of issues consists of the following:

(1) The inclusion of a provision requiring the Market Administrator to report to each cooperative association the percentage utilization of its members' milk used in each class by each handler (H. N. proposal No. 1).

(2) The inclusion of a separate classification (Class IIIa) and a reporting provision applicable to condensed skim milk placed in storage by each handler (H. N. proposals No. 3, 4, and 5).

(3) The inclusion of a pricing plan applicable to Class IIIa milk (H. N. proposal No. 10).

(4) A revision of basic formula prices to permit the averaging of the basic formula prices provided in the current order and for increasing the "make allowance" in the butter-non-fat-dry-milk-solids formula (H. N. proposals No. 6, 7, and 8).

(5) Minor changes of an administrative nature to clarify the language providing for the determination of the uniform price (H. N. proposals No. 11, 12, and 13).

The second category of issues consist of the following:

(1) The revision of the level and seasonal pattern of class price differentials (H. N. proposals No. 2, and 9).

(2) The need for emergency action on price differential revision.

Findings and conclusions. Upon the basis of the evidence introduced at the hearing the following findings and conclusions on the material issues which are decided herein are hereby made:

(1) For the months of May through July, 1948, only, the Class I, Class II and Class III price differentials should be revised to provide for maintaining differentials at the March 1948 levels.

The current order provides for a 25 cent seasonal decline in these differentials during April through July. Producers proposed that the present differentials be increased 25 cents per hundredweight for each month of the year. Handlers proposed that the average annual class differentials be maintained at substantially the same levels as provided in the current order, and that the seasonal pattern of the differentials be changed to provide for higher differentials from October through December with correspondingly lower differentials during January through March.

The evidence indicates that under prevailing market conditions a seasonal decline in class differentials during the spring and summer months of 1948 would seriously threaten the supply of milk for the Columbus market, particularly during the coming fall and winter months. Inventories of home grown feeds on farms are at relatively low levels. Some milk producers have fed less feed and reduced the size of their herds in an attempt to make their feed supply last until spring pastures come on in May, while other farmers have sold their herds. Dairy farmers are able to sell dairy cattle at relatively high prices for slaughter. The prices for beef cattle and hogs have resulted in favorable alternative outlets for the relatively short supplies of home grown feeds and grains.

The number of producers supplying the Columbus market showed a fairly regular increase from the time of the promulgation of the order February 1946, through November 1947. In December and January the number of producers leveled off, and in February there was a decrease of 37 producers. Daily production per farm decreased in December contrary to a usual seasonal increase at that time of the year. In January production per farm was at substantially the same level as in November—the low month for 1947. In February daily production per farm increased about 14 pounds per day as compared with November but was 13 pounds lower than February 1947. The total average daily production of producer milk in January and February was about 5 percent below a year ago.

Indexes of consumer demand in Columbus are at higher levels than a year ago. Fluid milk sales since August 1947 exceeded sales in the corresponding months a year ago and during December through February averaged between 5 and 10 percent higher than a year ago.

Milk used in products included in Class I milk, Class II milk and Class III milk sold in Columbus is subject to identical health inspection requirements. Producers argued that there was not sufficient producer milk during 1947 to meet these requirements. Handlers showed that there was sufficient inspected milk available to meet these requirements if consideration is given to storage practices and to 21 million pounds of inspected milk not subject to the order. This milk is received at a handler's country plant and is available to the market. Of this milk, 82 percent of the butterfat and a small percentage of the skim milk was brought into the Columbus market during 1947. This skim milk and butterfat was treated as "other source milk" under the order.

This other source milk was available to other handlers at class prices plus a handling charge. It was argued by some handlers that this method of meeting market needs by the use of this inspected other source milk was more desirable than increasing further the number of producers on the market to meet the needs of some handlers who are occasionally short. Handlers engaged in ice cream and manufacturing operations normally store skim milk and butterfat from inspected milk during the flush production season and use such milk during the short production season. Producers argued that more direct shippers were needed in the market. One handler testified that he needed between 30 and 50 additional producers to become self-sufficient. Although the statistics indicated that there was substantially enough inspected milk to meet requirements during 1947, it appears that the recent developments in price relationships production and producer numbers shown above reflect serious threats to the future supply of milk for the Columbus market.

The best interest of the market can be served at this time by limiting any changes in producer prices to those resulting from the seasonal decrease in basic prices and changes in the pattern of utilization during the spring and summer months of 1948. Although the evidence indicated that some leveling out of the seasonal variation of milk production would be desirable as a long time program, the evidence failed to support any changes in class differentials at this time, other than those decided upon.

The maintenance of the Class I, Class II and Class III differentials for the months of May through July, 1948, at their respective levels prevailing in March 1948 will result in such prices as will reflect the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk or its products in the marketing area, assure an adequate supply of pure and wholesome milk for the Columbus market, promote orderly marketing, and be in the public interest.

(2) An emergency exists which requires that action be taken promptly to amend the order to effectuate the findings and conclusions set forth above without allowing time for a recommended decision by the Assistant Administrator, Production and Marketing Administration, and the filing of exceptions thereto. The due and timely execution of the functions of the Secretary of Agriculture under the act imperatively and unavoidably requires the omission of such recommended decision and the filing of exceptions thereto.

Under the provisions of the order the amounts added to the basic formula price for skim milk and butterfat in Class I, Class II and Class III milk will decrease on May 1, 1948 from the March levels 25 cents per hundredweight on the basis of 3.5 percent milk. Because of the emergency conditions prevailing in the market the differentials were held at the March levels for the month of April by suspension action. The testimony indicated the need for maintaining price differentials at the March levels during the summer and spring of 1948. Under prevailing conditions, the seasonal decline of class differentials during the spring and summer of 1948 would seriously jeopardize the future supply of milk for the marketing area. Any delay beyond May 1, 1948, in effectuating needed changes in price differentials would seriously threaten an adequate supply of pure and wholesome milk for the Columbus market, would disrupt orderly marketing and would be contrary to the public interest. The amending order cannot be issued and made effective by May 1, 1948, unless the recom-

mended decision and the filing of exceptions thereto are omitted.

(3) *General.* (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, regulate the handling of milk in the same manner and are applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held; and

(c) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to section 2 and section 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for such milk, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest.

Rulings on proposed findings and conclusions. Written arguments and proposed findings and conclusions submitted on behalf of interested persons were considered, along with the evidence in the record, in making the findings and reaching the conclusions herein set forth. To the extent that the proposed findings and conclusions differ from the findings and conclusions contained herein, the specific or implied requests to make such findings are denied because of the reasons stated in support of the findings and conclusions in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled "Marketing Agreement Regulating the Handling of Milk in the Columbus, Ohio, Milk Marketing Area" and "Order Amending the Order, As Amended, Regulating the Handling of Milk in the Columbus, Ohio, Milk Marketing Area" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order amending the order, as amended, which will be published with the decision.

This decision filed at Washington, D. C., this 22d day of April 1948.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

No. 82——4

Order Amending the Order, as Amended, Regulating the Handling of Milk in the Columbus, Ohio, Milk Marketing Area[1]

§ 974.0 *Findings and determinations.*—(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "Act"), and the rules of practice and procedure covering the formulation of marketing agreements and orders (7 CFR, Supps., 900.1 et seq.; 12 F. R. 1159, 4904), a public hearing was held on February 25, March 8, 9, and 10, upon certain proposed amendments to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Columbus, Ohio, milk marketing areas. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held.

The foregoing findings are supplementary and in addition to the findings made in connection with the issuance of the aforesaid order and the findings made in connection with the issuance of each of the previously issued amendments thereto; and all of said previous findings are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings set forth herein.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Columbus, Ohio, milk marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

Delete from § 974.5 (b) the second and third provisos contained therein and substitute therefor the following: *"And provided further,* That for the delivery periods of May, June, and July, 1948, the amounts to be added to the basic formula prices per hundredweight of skim milk and butterfat, respectively, shall be: For Class I milk, $0.2798 and $20.86; for Class II milk $0.2098 and $15.64; and for Class III milk $0.1679 and $12.52."

[F. R. Doc. 48-3723; Filed, Apr. 26, 1948; 8:59 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

CIVIL AERONAUTICS BOARD

[14 CFR, Part 292]

ISSUANCE OF IRREGULAR AIR CARRIER LETTERS OF REGISTRATION TO SUCCESSOR COMPANIES

NOTICE OF PROPOSED RULE MAKING

APRIL 20, 1948.

Notice is hereby given that the Civil Aeronautics Board has under consideration the amendment of § 292.1 (d) of the Economic Regulations (14 CFR 292.1 (d)) for the purpose of requiring an applicant for a Letter of Registration, where such applicant is in fact or in effect a successor company to an Irregular Air Carrier whose Letter of Registration has been revoked or suspended, to show that the public interest and the carrier's ability and intention to comply with applicable legal requirements will not be adversely affected by the relationship to the predecessor company.

At present, there are no established requirements which effectively prevent personnel of a carrier whose Letter of Registration has been suspended or revoked from dissolving the corporate identity of the carrier and forming a new company with substantially the same personnel to take over the suspended carrier's assets, and continuing the same type of illegal operations for which the original letter was suspended or revoked. The proposed amendment would prevent such practice by expressly providing that a Letter of Registration will not be issued to any person who has or proposes to have as an officer, director, member, owner, or stockholder holding a controlling interest, any individuals formerly associated with another Irregular Air Carrier in any such capacity at a time when such carrier's Letter of Registration was ordered revoked, or suspended when the suspension has not been terminated, without a showing that the successor carrier can be expected to comply with the act and provisions issued thereunder and that the public interest will not be adversely affected by this granting of such letter.

The proposed amendment is set forth in the following proposed rule.

This amendment is proposed under authority of sections 205 (a) and 416 (a) of the Civil Aeronautics Act, as amended (52 Stat. 984, 1005; 49 U. S. C. 425 (a), 496 (a)).

Interested persons may participate in the proposed rule-making through the submission of written data, views or

arguments pertaining thereto, in duplicate, addressed to the Secretary, Civil Aeronautics Board, Washington 25, D. C. All relevant matter in communications received on or before May 25, 1948, will be considered by the Board before taking final action on the proposed rule.

(Sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425 (a))

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

It is proposed to amend § 292.1 of the Economic Regulations (14 CFR 292.1), "Irregular Air Carriers," by amending paragraph (d) (2) thereof to read as follows:

§ 292.1 *Irregular air carriers.* * * *

(d) *Registration for exemption.* * * *

(2) *Issuance of Letter of Registration.* Except as hereinafter provided, upon the filing of proper application therefor, the Board shall issue, to any Irregular Air Carrier, a Letter of Registration which, unless otherwise sooner rendered ineffective, shall expire and be of no further force and effect, upon a finding by the Board that enforcement of the provisions of section 401 (from which exemption is provided in this section) would be in the public interest and would no longer be an undue burden on such Irregular Air Carrier or class of Irregular Air Carriers. Such application shall be certified to by a responsible official of such carrier as being correct, and shall contain the following information: (i) Date; (ii) name of carrier; (iii) mailing address; (iv) location of principal operating base; (v) if a corporation, the place of incorporation; the name and citizenship of officers and directors and a statement that at least 75 per centum of the voting interest is owned or controlled by persons who are citizens of the United States or of one of its possessions; (vi) if an individual or partnership, the name and citizenship of owners or partners; (vii) the types and numbers of each type of aircraft utilized in air transportation. Such application shall be submitted in duplicate in letter form or on CAB Form No. 2789 which is available on request for the convenience of applicants.

(i) No Letter of Registration shall be issued to any Irregular Air Carrier which has or proposes to have any officer, director, member, owner, or stockholder holding a controlling interest, who has been connected with any Irregular Air Carrier as officer, director, member, owner, or stockholder holding a controlling interest, at a time when such other Irregular Air Carrier's Letter of Registration has been ordered revoked, or suspended and which suspension has not been terminated, unless authorized by the Board after finding that the public interest and the carrier's intention and ability to conform to the provisions of the act and requirements thereunder have been shown by the carrier not to be adversely affected by such relationship.

[F. R. Doc. 48-3713; Filed, Apr. 26, 1948; 9:06 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

[Voluntary Allocation Plan 1]

STEEL AND PIG IRON FOR CONSTRUCTION OF DOMESTIC RAILWAY FREIGHT CARS AND REPAIR OF RAILROAD ROLLING STOCK

VOLUNTARY PLAN COVERING ALLOCATION

It appearing, that there is a critical shortage of domestic freight cars which is adversely affecting the economy of the United States; that steel and pig iron used in the construction and repair of domestic railway freight cars and other railroad rolling stock are scarce commodities which basically affect industrial production; that the Office of Defense Transportation is now supervising a program participated in on a voluntary basis by various steel companies, pig iron producers, contract car builders, railroads and private car lines, and component parts manufacturers covering the construction of new domestic railway freight cars and the repair of railroad rolling stock; and that the continuation of such program will be appropriate to the successful carrying out of the policies set forth in the joint resolution approved December 30, 1947 (Pub. Law 395, 80th Cong.):

Now, therefore, pursuant to Executive Order 9919, dated January 3, 1948 (13 F. R. 59), and after consulting with representatives of the industries referred to above, the following plan of voluntary action covering the allocation of steel and pig iron for the construction of domestic railway freight cars and the repair of railroad rolling stock is hereby approved and promulgated by the Secretary of Commerce:

1. The various steel companies agreeing to this plan will make available the various types of steel products in individual quantities which, in the aggregate, will permit the construction of 10,000 new domestic freight cars monthly and the repair of railroad rolling stock in line with the program presented by the Office of Defense Transportation. The types of steel products and the maximum quantities thereof which each steel company will undertake and agree to furnish will be set forth on its written acceptance of this agreement and plan, it being the purpose and intention of this plan, however, that each steel company will consider requests for variations in quantities in excess of such maximum and will furnish such additional quantities whenever feasible to do so.

2. The various pig iron producers agreeing to this plan will make available pig iron in individual quantities which, in the aggregate, will permit the construction of 10,000 new domestic freight cars monthly and the repair of railroad rolling stock in line with the program presented by the Office of Defense Transportation. The maximum quantities of pig iron which each producer will undertake and agree to furnish will be set forth on its written acceptance of this agreement and plan, it being the purpose and intention of this plan, however, that each pig iron producer will consider requests for additional quantities in excess of such maximum and will furnish such additional quantities whenever feasible to do so.

3. The over-all quantities of steel and pig iron to be furnished under the program, within the maximum quantities stipulated by the steel companies and pig iron producers agreeing to this plan, will be determined quarterly by the Secretary of Commerce after consultation with the Director of the Office of Defense Transportation. Within such over-all quantities, the amounts of various types of steel to be made available under the program by the individual steel companies, within the maximum stipulated by them, will be determined by the Office of Defense Transportation on such basis as it deems fair and equitable after consultation with the industry advisory committee on distribution of steel for freight cars, and the quantities of pig iron to be made available by the individual pig iron producers for the manufacture of steel and iron castings required under the program, within the maximum stipulated by them, will be determined by the Office of Defense Transportation on such basis as it deems fair and equitable after consultation with the industry advisory committee on distribution of pig iron.

4. The individual car builders will submit to the Office of Defense Transportation schedules showing by plants the number and types of domestic railway freight cars scheduled for production monthly. The individual car builders, component parts manufacturers, railroads and private car lines will submit to the Office of Defense Transportation quarterly estimates of their steel and pig iron requirements for domestic railway freight cars scheduled for production and for the repair of domestic railway freight cars, passenger cars and locomotives.

5. After receiving the quarterly estimates referred to in paragraph 4 hereof, the Office of Defense Transportation, with the assistance of three industry advisory committees composed of representatives of (1) contract car builders, (2) railroads and private car lines, and (3) component parts manufacturers, will relate such estimated requirements to the over-all program. The quantities and types of steels to be made available under the program to each individual steel consumer from steel rollings in each quarterly period, and the amounts of pig iron to be made available quarterly to individual consumers for the manufacture of iron and steel castings re-

quired under the program will be determined by the Office of Defense Transportation. In determining the quantities and types of steel to be made available under the program to each car builder participating in the program, the Office of Defense Transportation will give consideration to the past production record of each car builder, plant capacity, and orders for new domestic freight cars which each car builder has on hand Any company which is not now engaged in constructing domestic freight cars under the program but which is in a position to engage in such activity may become a participant in the program. In determining the quantities of pig iron to be made available to individual suppliers of iron and steel castings required under the program, the Office of Defense Transportation will give consideration to the needs of individual suppliers for pig iron required in the manufacture of such iron and steel castings. Each individual consumer will make its own arrangements for securing the steel and pig iron assigned to it under the program. However, the Office of Defense Transportation, with the aid of the steel and pig iron advisory committees, will furnish assistance to individual consumers in securing the quantities of steel and pig iron which have been assigned to them. No request or authorization will be made relating to allocation of orders or customers, or the delivery of cars or the allocation of business among members of the car building industry, nor will any request or authorization be made to the steel industry or pig iron producers for any limitation or restriction on the production or marketing of steel or pig iron.

6. The various steel consumers participating in the program agree to show on their purchase orders for steel under the program that the steel is "To be used for new domestic freight cars" or "To be used for repair of domestic freight cars, passenger cars, or locomotives." The various purchasers of pig iron for use in the manufacture of steel and iron castings under the program agree to show on their purchase orders for such pig iron that it is "To be used in the manufacture of steel and iron castings required in the domestic car building and repair program." Such steel and pig iron consumers further agree that they will not use steel or pig iron secured under the domestic car building and repair program for any other purpose.

7. The individual steel companies and pig iron producers participating in the program agree to furnish the Office of Defense Transportation reports on forms furnished by the Office of Defense Transportation showing the quantities of steel and pig iron shipped monthly under purchase orders designated as provided in paragraph 6 hereof to the following classes: (1) Contract car builders, (2) railroads and private car lines, and (3) component parts manufacturers. Each car builder participating in the program agrees to furnish monthly reports on forms furnished by the Office of Defense Transportation showing the total quantities of steel byproducts received under the program and the number of domestic railway freight cars it constructs each month. The railroads and private car lines participating in the program also agree to furnish reports on forms furnished by the Office of Defense Transportation showing the number of freight cars accorded heavy repairs each month. The Director of the Office of Defense Transportation will furnish the Secretary of Commerce a summary of such monthly reports. The Office of Defense Transportation may request the participants in the program to submit such individual reports from time to time as it may consider appropriate. Summaries of such individual reports will also be furnished the Secretary of Commerce.

8. From time to time the Office of Defense Transportation will call together in joint or separate meetings the members of the five industry advisory committees for full discussion of problems arising under the domestic car building and repair program.

9. Nothing in this Voluntary Allocation Plan No. 1 shall be construed as authorizing or approving any fixing of prices.

This Voluntary Allocation Plan No. 1 shall cease to be effective on March 1, 1949, or at such earlier time as the Secretary of Commerce may hereafter designate in accordance with section 2 (d) of Public Law 395, 80th Congress.

Requests for compliance with this plan under section 2 (c) of Public Law 395, 80th Congress, will be effective for the purpose of granting certain immunity from the anti-trust laws and the Federal Trade Commission Act, as provided in said section 2 (c), only with respect to such persons as agree in writing to comply with such requests.

The reporting requirements of this agreement have been approved by the Bureau of the Budget.

Approved: March 30, 1948.

DAVID BRUCE,
Acting Secretary of Commerce.

Approved: March 30, 1948.

TOM C. CLARK,
Attorney General.

MARCH 30, 1948.

DEAR SIRS:

A Plan of Voluntary Action, under Public Law 395, 80th Congress, First Session, covering the allocation of steel and pig iron for the construction of domestic railway freight cars and the repair of railroad rolling stock, has been approved by the Attorney General. Acting by delegation from the President under Executive Order 9919, I have determined that the Plan is practicable and is appropriate to the successful carrying out of the policies set forth in Public Law 395 and have approved the Plan. A copy of the Plan is enclosed.

By virtue of the terms of Public Law 395 and Executive Order 9919 I hereby request compliance by you with the Plan insofar as it relates to the allocation of steel.

Similar requests are being directed to all other proposed participants in the Plan.

This request will not be effective for the purpose of granting immunity from the anti-trust laws and the Federal Trade Commission Act, as provided in Section 2 (c) of Public Law 395, 80th Congress, unless you promptly agree in writing to comply with the Plan.

I trust that your favorable response to this request will be promptly communicated to me.

Sincerely yours,

DAVID BRUCE,
Acting Secretary of Commerce.

NOTE: The above request for compliance with Department of Commerce Voluntary Allocation Plan No. 1 was sent to the railroads, component parts manufacturers, contract car builders, private car lines, and steel companies listed on an attachment filed with the original documents.

[F. R. Doc. 48-3708; Filed, Apr. 26, 1948; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-585, G-796]

ALABAMA-TENNESSEE NATURAL GAS CO. AND SOUTHERN NATURAL GAS CO.

ORDER POSTPONING HEARING

Upon consideration of the request filed April 21, 1948, by Alabama-Tennessee Natural Gas Company for a postponement of the further hearing herein now set to commence on April 28, 1948, in which request it is stated that Alabama-Tennessee Natural Gas Company will not be fully prepared to go forward, on the date set, with the presentation of testimony and evidence required by the Commission's order issued April 15, 1948, and further that counsel for said company will be occupied, on the date set, with other matters to which he was previously committed;

The Commission orders that: The hearing now set to commence on April 28, 1948, be and the same is hereby postponed to May 12, 1948, at 10:00 a. m. (e. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington 25, D. C.

Date of issuance: April 22, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-3706; Filed, Apr. 26, 1948; 8:52 a. m.]

[Docket No. G-1014]

SOUTHERN NATURAL GAS CO.

NOTICE OF APPLICATION

APRIL 21, 1948.

Notice is hereby given that on March 22, 1948, an application was filed with the Federal Power Commission by Southern Natural Gas Company (Applicant), a Delaware corporation with its principal place of business at Birmingham, Alabama, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of a natural gas pipe line 6⅝ inches in diameter, extending from a point of connection with Applicant's main line near Tarrant, Alabama, a distance of approximately 2,160 feet to the plant of Lehigh Portland Cement Company, and thence approximately 5,140

feet to the plant of Lone Star Cement Corporation.

Applicant states that the proposed pipe line will have a total delivery capacity of 18,000 Mcf per day, and will be used for the direct sale of natural gas to said cement companies pursuant to contracts to be entered into between Applicant and said companies. It is stated that the proposed contracts will provide for the sale by Applicant of natural gas to these companies on an interruptible basis for the fuel requirements of their plants, estimated in the case of Lehigh Company to be 7,800 Mcf per day on full load, and in the case of Lone Star to be 8,800 Mcf per day on full load. The annual deliveries to the Lehigh Company are estimated to be 2,613,000 Mcf and to the Lone Star Company 2,948,000 Mcf. On such basis, the total annual revenues are estimated to be $1,000,980.

The estimated total over-all capital cost of the proposed facilities is $37,470, to be financed from Applicant's current funds.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of Rule 37 of the Commission's rules of practice and procedure (18 CFR 1.37) and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of Southern Natural Gas Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of Rule 8 or 10, whichever is applicable, of the rules of practice and procedure (18 CFR 1.8 and 1.10).

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-3689; Filed, Apr. 26, 1948; 8:50 a. m.]

[Docket Nos. G-1023, G-1031]

NEW YORK PUBLIC SERVICE COMMISSION ET AL.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

In the matters of New York Public Service Commission, Panhandle Eastern Pipe Line Company et al.; Docket No. G-1031, Docket No. G-1023.

Upon consideration of the petition of the New York Public Service Commission filed on April 5, 1948, calling upon the Commission to continue emergency deliveries of gas to United Natural Gas Company through April 30, 1948, and thereafter to provide gas for storage to meet next winter's requirements and for other relief;

It appears to the Commission that: The issues presented by such petition are substantially the issues under consideration in the consolidated proceedings in Docket No. G-1023 and related dockets, and the consolidation of the issues presented by the petition in this docket with the proceedings now being heard on the consolidated record in Docket No. G-1023 may be in the public interest;

Wherefore, the Commission orders that:

(A) The above-docketed proceedings be and they are hereby consolidated for the purpose of hearing;

(B) The matters involved and the issues presented by the petition filed by the New York Public Service Commission on April 5, 1948, be and the same are hereby set for hearing on the consolidated docket in the proceedings in that docket which commenced on April 7, 1948, and now in the course of hearing: *Provided, however,* That the issues being heard on the consolidated record are not to be broadened nor new issues injected by reason of the consolidation of the matters involved in this docket.

Date of issuance: April 22, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-3690; Filed, Apr. 26, 1948; 8:50 a. m.]

[Docket No. E-6124]

GULF STATES UTILITIES CO.

NOTICE OF SUPPLEMENTAL ORDER AUTHORIZING AND APPROVING ISSUANCE OF BONDS

APRIL 21, 1948.

Notice is hereby given that, on April 20, 1948, the Federal Power Commission issued its supplemental order entered by the Commission on April 20, 1948, authorizing and approving issuance of bonds in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-3691; Filed, Apr. 26, 1948; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 790, Special Directive 59]

MONONGAHELA RAILROAD CO.

DIRECTIVE TO FURNISH CARS FOR RAILROAD COAL SUPPLY

On April 13, 1948, the Maine Central Railroad Company certified that they have on that date in storage and in cars a total supply of less than 14 days of fuel coal, and that it is immediately essential that this company increase its coal supply from certain enumerated mines.

The certified statements have been verified and found to be correct.

Therefore, pursuant to the authority vested in me by paragraph (b) of Service Order No. 790, The Monongahela Railway Company is directed:

(1) To furnish weekly to mines listed below cars for the loading of the Maine Central Railroad Company fuel coal from its total available supply of cars suitable for the transportation of coal:

Mine:	*Cars per week*
Whitley	40
National and Brock	80

(2) That such cars furnished in excess of the mine's distributive share for the day will not be counted against said mines.

(3) That it shall not accept billing of cars furnished for loading under the provisions of this directive unless billed for the Maine Central Railroad Company fuel coal supply.

(4) To furnish this Bureau, as soon as may be practicable after the end of each week, information showing the total number of cars furnished to said mines for the preceding week under the authority of this directive and to indicate how many such cars were in excess of the daily distributive share car supply of such mines.

A copy of this special directive shall be served upon The Monongahela Railway Company and notice of this directive shall be given to the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Directive of the Division of the Federal Register.

Issued at Washington, D. C., this 13th day of April A. D. 1948.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 48-3712; Filed, Apr. 26, 1948; 8:52 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1633]

PHILADELPHIA CO. ET AL.

NOTICE OF FILING OF AMENDMENT AND NOTICE OF AND ORDER POSTPONING HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 19th day of April 1948.

In the matter of Philadelphia Company, Pittsburgh and West Virginia Gas Company, Equitable Gas Company and Finleyville Oil and Gas Company; File No. 70-1633.

Philadelphia Company, a registered holding company, Pittsburgh and West Virginia Gas Company, a registered holding company, Equitable Gas Company, and Finleyville Oil and Gas Company, having filed a joint application and declaration pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder regarding a proposed recapitalization of Equitable Gas Company and other related transactions, all as summarized in Holding Company Act Release No. 8008; and

The Commission, on March 3, 1948, having issued its notice of filing and order for hearing with respect to said joint application and declaration, directing that a hearing be held on March 30, 1948; and

Applicants-declarants having thereafter requested the Commission to postpone the date for hearing from March 30, 1948 to April 20, 1948 and the Commission, on March 29, 1948, having issued its order postponing hearing, directing that said hearing be postponed to April 20, 1948; and

Applicants-declarants having on April 19, 1948, filed an amendment to said joint application and declaration with the Commission and applicants-declarants having requested the Commission further to postpone the date for hearing from April 20, 1948 to April 29, 1948; and

The amendment, as filed, having proposed certain transactions which vary materially from the transactions proposed in the application and declaration originally filed herein:

Notice is hereby given that the amendment, as filed, provides in lieu of the issuance to Philadelphia Company by Equitable Gas Company of $14,000,000 principal amount of 25-year, 3⅛%, first mortgage bonds, and the use of such bonds by Philadelphia Company for the retirement of its debt or preferred stock or for such other purposes as might be determined by its Board of Directors, the following:

(a) Equitable Gas Company will issue and sell to the public, pursuant to the competitive bidding provisions of Rule U-50 under the Act, $14,000,000 principal amount of 25-year first mortgage bonds, at a rate and price to be fixed by competitive bidding.

(b) The proceeds of the sale of the Equitable Gas Company bonds will be paid to Philadelphia Company in part payment for the property proposed to be transferred by it to Equitable Gas Company.

(c) $11,000,000 of the proceeds of the sale of the Equitable Gas Company bonds received by Philadelphia Company will be applied to the redemption at $110 per share (the redemption price specified in the certificates representing such stock) of all of its outstanding $6 Cumulative Preferred Stock, aggregating 100,000 shares.

(d) The balance of the proceeds of the sale of the Equitable Gas Company bonds received by Philadelphia Company will be employed in the redemption of $2,900,000 principal amount of its 4¼% Collateral Trust Sinking Fund Bonds, presently outstanding in the aggregate amount of $47,338,000.

The amendment further specifies that the proposed redemption of the aforesaid $2,900,000 principal amount of 4¼% bonds of Philadelphia Company will be conditioned upon the approval by the Commission of a proposed modification in the formula for determining the amount which Philadelphia Company must set aside from its earnings annually and credit in its accounts to "Reserve for Revaluation of Assets," such formula having been adopted incident to the refunding in 1941 of Philadelphia Company's then outstanding 5% bonds. The proposed modification of the reserve formula will be to the effect that Philadelphia Company shall set aside from its earnings and credit in its accounts to "Reserve for Revaluation of Assets" in the year in which the $2,900,000 principal amount of 4¼% bonds are redeemed and in each succeeding year, an amount no greater or no less than the amount which Philadelphia Company, under the reserve formula, would have set aside and credited in each such year had the $2,900,000 principal amount of 4¼% bonds not been redeemed.

It appearing appropriate to the Commission that the hearing heretofore fixed for April 20, 1948, should be postponed and that a hearing with respect to the application-declaration, as amended, should be held on April 29, 1948:

It is hereby ordered, That the hearing in this matter originally scheduled for March 30, 1948, at 10:00 a. m., e. s. t., at the office of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C.; and subsequently postponed to April 20, 1948 at the same time and place, be, and hereby is, postponed to April 29, 1948, at 10:00 a. m., e. s. t., at the same place and before the same hearing officer previously designated. On such day the hearing room clerk in Room 101 will advise as to the room in which such hearing will be held.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-3694; Filed, Apr. 26, 1948; 8:51 a. m.]

[File No. 70-1766]

KENTUCKY WEST VIRGINIA GAS CO. AND LOUISVILLE GAS AND ELECTRIC CO.

NOTICE OF FILING AND REQUEST FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 21st day of April 1948.

Notice is hereby given that a joint declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act"), and the General Rules and Regulations promulgated thereunder, by Kentucky West Virginia Gas Company ("Kentucky Gas") and Louisville Gas and Electric Company ("Louisville G & E"), a Kentucky corporation. Kentucky Gas is a direct subsidiary of Philadelphia Company and an indirect subsidiary of Louisville Gas and Electric Company, a Delaware corporation, both of which are registered holding companies. Louisville G & E is a subsidiary of Louisville Gas and Electric Company, a Delaware corporation, a registered holding company. The declarants designate sections 6 (a), 7, 12 (c) and 12 (f) of the act and Rules U-42 and U-43 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than April 29, 1948, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said declaration proposed to be controverted or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration, as filed or as amended, may be granted and become effective as provided in rule U-23 of the rules and regulations promulgated pursuant to said act. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C.

All interested persons are referred to said declaration which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized below:

Kentucky Gas proposes to purchase and retire all of its outstanding Five Per Cent Cumulative First Preferred Stock at the par value thereof ($2,937,500) plus accumulated dividends, if any, unpaid at the date of purchase. All of such stock is owned by Louisville G & E, which company proposes to sell it to Kentucky Gas at such price.

The funds required for the purchase are proposed to be obtained by Kentucky Gas through temporary bank loans, evidenced by promissory notes maturing 12 months from date of issuance and bearing interest at the rate of 1¾% per annum. Such promissory notes are to be issued to The Farmers Deposit National Bank of Pittsburgh ($1,800,000) and the Mellon National Bank and Trust Company ($1,200,000). The excess proceeds, if any, after payment of expenses, estimated at $4,500, will be added to the general corporate funds of Kentucky Gas.

Declarants request that the Commission, in any order of approval which it may enter in the premises, include appropriate findings pursuant to the requirements of Supplement R and section 1808 (f) of the Internal Revenue Code.

The declarants have requested that the Commission's order be issued as soon as possible permitting the declaration to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-3698; Filed, Apr. 26, 1948; 8:51 a. m.]

[File No. 70-1776]

UNITED GAS IMPROVEMENT CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 20th day of April A. D. 1948.

The United Gas Improvement Company ("UGI"), a registered holding company, having filed a declaration, pursuant to Section 12 (b) of the Public Utility Holding Company Act of 1935 and Rule U-45 promulgated thereunder, with respect to the transactions summarized below:

The Philadelphia Gas Works Company ("PGW"), all of whose capital stock is owned by UGI, operates the Philadelphia Gas Works properties owned by the City of Philadelphia, and is obligated under an Operating Agreement dated October 5, 1938, as amended, to provide, under certain circumstances sufficient working capital to meet the needs of the operations of Philadelphia Gas Works.

UGI states that the working capital requirements of the Philadelphia Gas Works greatly exceed the present amount it has for such purposes, and therefore it proposes to advance from time to time during the year 1948 sums up to $3,000,000 to PGW on open book account, such advances to bear interest at the rate of 6%, and PGW in turn will advance a like amount under similar terms as additional necessary working capital for the operations of the Philadelphia Gas Works, under and as provided in paragraph (3) of Clause 7 of the Operating Agreement.

Said declaration having been filed on March 16, 1948, and notice of filing having duly been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said declaration within the period specified, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to the said declaration that the requirements of the applicable provisions of the act and the rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration be permitted to become effective:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, and subject to the terms and conditions prescribed in Rule U-24, that the declaration be, and hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-3696; Filed, Apr. 26, 1948; 8:51 a. m.]

[File No. 70-1778]

CAROLINA POWER & LIGHT CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 20th day of April A. D. 1948.

Carolina Power & Light Company ("Carolina"), a subsidiary of Electric Bond and Share Company, a registered holding company, having filed a declaration and amendments thereto pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (a) and 7 thereof and Rules U-62 and U-65 of the rules and regulations promulgated thereunder regarding the following transactions:

Carolina proposes to amend its charter (a) so as to modify the present restriction upon the issuance by the company of unsecured indebtedness (10% of the aggregate of secured indebtedness, capital and surplus) by excluding the principal amount of the company's 3¼% promissory notes, due at various dates between 1952 and 1958, from the computation of the amount of such unsecured indebtedness which the company may issue without the approval of the holders of a majority of the preferred stock; and (b) so as to authorize offerings of additional common stock of the company by public offering or an offering through underwriters or investment bankers who shall have agreed to make such a public offering, without first offering such stock pro rata to holders of the then outstanding common stock of the company.

Under the provisions of the company's charter, the proposed amendment liberalizing the terms upon which the company may issue unsecured indebtedness cannot be adopted unless the holders of a majority of all of the company's outstanding stock together with the holders of not less than two-thirds of the number of outstanding shares of the $5 preferred stock of the company vote in favor of the adoption thereof. The proposed amendment with reference to the offering of additional common stock will be effected by the company only if such amendment is approved by the holders of a majority of all the company's outstanding stock, including a majority of the company's outstanding common stock other than the common stock hold by Electric Bond and Share Company. In order to increase the possibility of the requisite number of votes being obtained, the company proposes to employ Georgeson & Co. to solicit proxies from both the preferred and common stockholders.

Said declaration having been filed on the 17th day of March, 1948 and notice of such filing having been duly given in the form and manner prescribed by Rule U-23 promulgated under the Act, and the last amendment thereto having been filed on April 12, 1948, and the Commission not having received a request for hearing with respect to said declaration within the period specified in said notice or otherwise and not having ordered a hearing thereon; and

Declarant having requested that the Commission enter its order permitting such declaration to become effective as promptly as possible and that such order become effective forthwith, and the Commission deeming it appropriate to grant such request; and

The Commission finding with respect to said declaration, as amended, that the requirements of the applicable provisions of the act and the rules thereunder are satisfied, and that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration be permitted to become effective:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said Act, and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid declaration be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-3700; Filed, Apr. 26, 1948; 8:52 a. m.]

[File No. 70-1781]

GULF POWER CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 20th day of April 1948.

Gulf Power Company ("Gulf"), a public utility subsidiary of The Southern Company, a registered holding company and a wholly-owned subsidiary of The Commonwealth & Southern Corporation, a registered holding company, having filed a declaration and amendment thereto pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 regarding the following proposed transactions;

Gulf proposes to issue and sell an aggregate of $1,000,000 principal amount of new First Mortgage Bonds, 3⅛% series, due 1978, to be dated as of April 1, 1948, at private sale to institutional investors at 99½% of the principal amount and accrued interest to the date of delivery. The bonds are to be issued under and secured by Gulf's present mortgage dated September 1, 1941, as supplemented by indentures dated April 1, 1944, and to be dated as of April 1, 1948. Gulf also proposes to issue approximately $1,750,000 principal amount of First Mortgage Bonds, pursuant to its present mortgage indenture as supplemented by the indenture dated April 1, 1944, and to deposit such bonds with the Trustee thereunder for cancellation for the purpose of taking down the cash which will be deposited with the Trustee by Gulf upon the contemplated sale of Gulf's gas properties in Pensacola, Florida, and environs to the City of Pensacola. Gulf will use the proceeds from the contemplated sale of its gas utility properties (estimated at $1,900,000 including closing adjustments) plus the proceeds from the proposed sale of new bonds to provide a portion of the funds required for the construction or acquisition of permanent improvements, extensions and additions to its property, or to reimburse its treasury in part for expenditures made for such purposes and to pay notes evidencing monies borrowed for such purposes.

Said declaration having been filed on March 19, 1948 and an amendment thereto having been filed on April 14, 1948 and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said declaration within the period specified, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said declaration, as amended, that the

requirements of the applicable provisions of the act and the rules and regulations thereunder are satisfied and that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration, as amended, be permitted to become effective.

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the Public Utility Holding Company Act of 1935, and subject to the terms and conditions prescribed in Rule U-24, that said declaration, as amended, be, and the same hereby is, permitted to became effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-3693; Filed, Apr. 26, 1948, 8:51 a. m.]

[File No. 70-1783]

UNION GASOLINE & OIL CORP.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its offices in the city of Washington, D. C., on the 20th day of April A. D. 1948.

Union Gasoline & Oil Corporation ("Union"), a subsidiary of Columbia Gas & Electric Corporation ("Columbia"), a registered holding company, having filed a declaration, pursuant to section 12 (c) of the Public Utility Holding Company Act of 1935 and Rule U-46 promulgated thereunder, with respect to the transactions summarized below:

Union proposes to pay to Columbia, the holder of all of its outstanding common stock, a dividend in the amount of $600,000 out of capital or unearned surplus. Union has no indebtedness outstanding. The amount of dividend proposed to be paid is stated to represent excess funds presently held by Union and, through the proposed dividend, these excess funds will become available to other Columbia system companies which require funds for construction purposes. As of January 31, 1948, Union had cash and government securities aggregating in excess of $700,000 and it is desired that $600,000 of such funds be made available to Columbia. The declaration states that no portion of the dividend is to be charged against the earned surplus of Union since forecasts indicate a continued increase in the cash of Union and such earned surplus will be retained in order that further dividends may be paid periodically therefrom. It is further stated that Columbia carries its investment in Union at the underlying book net worth thereof at September 30, 1948, which net worth included the capital surplus of Union. Accordingly, Columbia proposes to reduce its aggregate investment in the common stock of Union by $600,000.

Said declaration having been filed on March 19, 1948, and notice of filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said declaration within the period specified, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to the said declaration that the requirements of the applicable provisions of the act and the rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration be permitted to become effective:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, and subject to the terms and conditions prescribed in Rule U-24, that the declaration be, and hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-3697; Filed, Apr. 26, 1948; 8:51 a. m.]

[File No. 70-1790]

NORTH CONTINENT UTILITIES CORP. ET AL.

NOTICE OF FILING AND REQUEST FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 21st day of April A. D. 1948.

In the matter of North Continent Utilities Corporation, The Denver Ice and Cold Storage Company, Western Railways Ice Company and Fort Morgan Ice and Cold Storage Company; File No. 70-1790.

Notice is hereby given that joint applications-declarations have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") by North Continent Utilities Corporation ("North Continent"), a registered holding company, its subsidiary, Denver Ice and Cold Storage Company ("Denver"), and Western Railways Ice Company ("Western") and Fort Morgan Ice and Cold Storage Company ("Fort Morgan"), subsidiaries of Denver. Applicants-declarants have designated sections 6, 7, 9, 10 and 12 of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than May 7, 1948 at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said applications-declarations which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 2d Street, N. W., Washington 25, D. C. At any time after May 7, 1948 said applications-declarations, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under said act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said applications-declarations, which are on file in the office of this Commission, for a statement of the transactions therein proposed which are summarized below:

North Continent proposes to make a capital contribution to Denver of the following:

(a) The $17,264.64 unpaid principal amount of demand promissory notes of Denver dated February 23, 1929. Such notes will thereupon be cancelled.

(b) $82,750 principal amount of demand promissory notes of Western held by North Continent in total unpaid principal amount of $237,750.

(c) North Continent's holdings of shares of the capital stock of The S. W. Shattuck Chemical Company ("Shattuck"), consisting of 13,991 shares (approximately 55% of the total shares of such stock outstanding) of the par value of $2 per share and a demand promissory note of Shattuck in the principal amount of $94,468.53.

Denver proposes:

(a) To make a capital contribution to Western by surrendering to that company 850 or the 1,000 shares of Western's outstanding Common Stock, $100 par value per share, and the $82,750 principal amount of Western's demand promissory notes to be received by Denver from North Continent.

(b) To adjust its fixed asset accounts, as at December 31, 1947, to eliminate appraisal appreciation in the amount of $615,009.58 and certain ascertained intangibles in the amount of $3,836.37 and to increase its depreciation reserve as of the same date from $231,371.07 to $463,429.75. These adjustments, aggregating $850,904.83 will be effected by charging $51,130.78 against earned surplus as at December 31, 1947, thereby exhausting such surplus, and $799,744.05 against capital surplus.

(c) To restate the carrying value of its investment in Western and Fort Morgan to the underlying book values thereof, as adjusted at December 31, 1947, by writing off an aggregate of $62,715.60 against capital surplus.

(d) To change and reclassify the 19,299 outstanding shares of its capital stock having an aggregate stated value of $578,090, all of which is owned by North Continent, to 43,772 shares of capital stock with a par value of $5 per share, an aggregate par value of $218,860. The reduction of $359,170 in the capital stock account will result in a corresponding increase in the capital surplus account.

(e) To obtain a loan of $75,000 on or about September 15, 1948, from the First National Bank of Denver, Colorado, and to issue therefor its promissory note bearing interest at the rate of 4% per annum and maturing in twelve quarterly installments of $6,250 each beginning three months after the date of such note and to make a capital contribution of the proceeds from this note to Western.

Western proposes:

(a) To retire, by cash payment to North Continent, the unpaid balance of $155,000 principal amount of its promissory notes held by North Continent. Western will use the $75,000 contributed

by Denver and $80,000 of its own funds for this purpose.

(b) To adjust its fixed assets accounts to eliminate $100,000 of ascertained intangibles, to increase its depreciation reserve as of December 31, 1947, from $125,666.75 to $167,213.97 and to eliminate the earned surplus deficit of $22,122.81 existing on that date. These adjustments, aggregating $163,670.04 will be effected by charges to capital surplus.

Fort Morgan proposes:

(a) To adjust its fixed asset accounts by eliminating ascertained intangibles in the amount of $5,000 and to increase its depreciation reserve as of December 31, 1947, from $15,810.96 to $24,080.19. These adjustments, aggregating $13,269.23, will be effected by charges to earned surplus as of that date and the remaining balance of earned surplus at that date will be transferred to capital surplus.

In addition to the proposals summarized above, each applicant-declarant proposes to transactions necessary to effect the proposals of each of the other applicants-declarants.

The applications-declarations state that the foregoing transactions constitute desirable preliminary steps to facilitate the ultimate liquidation and dissolution of North Continent.

Fees and expenses in connection with the proposed transactions are to be paid by Denver and are estimated to aggregate $5,500. This estimate includes $2,500 for legal fees.

Applicants-declarants state that this Commission is the only regulatory authority having jurisdiction over the proposed transactions and request that the Commission's order granting and permitting to become effective said applications-declarations be issued as soon as practicable and become effective forthwith upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48-3699; Filed, Apr. 26, 1948; 8:51 a. m.]

[File No. 70-1797]

PORTLAND GAS & COKE CO.

NOTICE OF FILING AND REQUEST FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 20th day of April A. D. 1948.

Notice is hereby given that an application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Portland Gas & Coke Company ("Portland"), a gas utility subsidiary of American Power & Light Company ("American"), a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company. Applicant has designated section 6 (b) of the act as applicable to the transactions proposed therein.

Notice is further given that any interested person may, not later than May 3, 1948, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time thereafter, such application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said application which is on file in the office of this Commission for a statement of the transactions therein proposed which are summarized as follows:

Pursuant to an agreement dated March 3, 1948, between Portland and Mellon National Bank and Trust Company ("Mellon National"), Portland proposes to borrow from Mellon National $1,000,000 on or before July 1, 1948, and an additional $1,000,000 on or before November 1, 1948. It is proposed that the loans be evidenced by two promissory notes of Portland which would bear interest at the rate of 4% per annum. The promissory notes would be dated as of the date of the loans evidenced thereby and would be payable one year from the date of the first promissory note. As security for payment of the two promissory notes, Portland proposes to issue and deposit with Mellon National its First Mortgage Bonds, 3⅛% Series due 1976, which it would issue under its Mortgage and Deed of Trust, dated as of July 1, 1946. The aggregate principal amount of the bonds so issued and deposited would be equal to the amount of the borrowings. Portland proposes not to sell or otherwise dispose of the pledged bonds without obtaining the approval of all regulatory authorities, including this Commission, having jurisdiction with respect thereto. Under the proposed loan agreement Mellon National waives the right to receive interest on the pledged bonds until and unless a default in payment of principal or interest on the notes shall have occurred. Portland would reserve the right to prepay the promissory notes in whole at any time, or in part from time to time, without premium. Upon any such prepayment of the notes, Portland would be entitled to withdraw an equal principal amount of the pledged Bonds.

Portland proposes to use the proceeds of the loans for general corporate purposes and to provide, in part, funds required to complete construction work authorized and under way at the close of 1947 and to meet construction requirements for 1948. Portland proposes to pay to Mellon National a commitment fee of ¼ of 1% per annum on the unborrowed amount of its commitment from the date of the note agreement (March 3, 1948). Such fee is estimated at $2,500. Other fees and expenses are estimated at $11,000.

Portland is organized under the laws of Oregon and is doing business in Oregon and Washington. The proposed transactions have been expressly authorized by the Oregon Commissioner of Public Utilities and by the Department of Public Utilities of the State of Washington.

Portland requests that the Commission issue an order approving the transactions as soon as may be practicable and that such order become effective upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48-3692; Filed, Apr. 26, 1948; 8:50 a. m.]

[File No. 70-1803]

MYSTIC POWER CO. AND NEW ENGLAND ELECTRIC SYSTEM

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 20th day of April A. D. 1948.

New England Electric System ("NEES"), a registered holding company, and its subsidiary company, The Mystic Power Company ("Mystic"), having filed a joint application-declaration and an amendment thereto pursuant to sections 6 (b) and 10 of the Public Utility Holding Company Act of 1935 with respect to the following transactions:

Mystic proposes to issue and sell 2,500 additional shares of capital stock, having a par value of $100 per share, to its parent, NEES, for a cash consideration of $250,000. The proceeds derived from said sale will be used by Mystic to pay its indebtedness to NEES in the amount of $150,000, to restore current working funds which have been reduced through the use of cash for construction purposes, and to finance, in part, the cost of Mystic's construction program to June 30, 1948.

The issuance and sale of the common stock is subject to the jurisdiction of and has been authorized by the Public Utilities Commission of the State of Connecticut. No State or Federal Commission, other than this Commission, has jurisdiction over the acquisition of such common stock by NEES. The application-declaration estimates the total expenses in connection with the proposed transactions as $1,550 of which not more than $1,300 will be paid to New England Power Service Company, an affiliated service company, for incidental services performed at the actual cost thereof.

Said joint application-declaration having been filed on March 30, 1948, and an amendment having been filed on April 9, 1948, and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application-declaration within the period specified in said notice or otherwise and not having ordered a hearing thereon; and

The Commission finding with respect to said joint application-declaration, as amended, that the applicable statutory standards are satisfied and that there is

no basis for any adverse findings and deeming it appropriate in the public interest and in the interest of investors and consumers that said joint application-declaration, as amended, be granted and permitted to become effective; and further deeming it appropriate to grant the request that this Order be effective upon the issuance thereof:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act and subject to the terms and conditions prescribed in Rule U-24 that said joint application-declaration, as amended, be, and the same hereby is, granted, and permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48-3695; Filed, Apr. 26, 1948; 8:51 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 10894]

ANTON KIENAST AND UNION TRUST CO.

In re: Insurance trust agreement dated June 3, 1939, between Anton Kienast, settlor and Union Trust Company, trustee, as amended November 14, 1942. File No. D-28-10531-G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Joseph Kienast and Josephine Kratzel, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, in, to and arising out of or under an insurance trust agreement dated June 3, 1939 between Anton Kienast and Union Trust Company as amended November 14, 1942, presently being administered by the Union Trust Company, trustee, 62 Dorrance Street, Providence, Rhode Island,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 15, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-3728; Filed, Apr. 26, 1948; 8:52 a. m.]

[Vesting Order 10934]

MICHAEL BAIER

In re: Trust u/w of Michael Baier, deceased. File No. D-28-1795; E. T. sec. 1038.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Friederike Fricker (Fredericka Fricker or Fricka), Christine Eicher (Christina Eicker or Eicher), Gottlob Rau (Gottlieb Rau), Johann Rau, Katharine Kraft (Katharine or Katherine Baier), Christina Kusterer (Christina Kuestrer or Keustrer), Berta Kugele (Bertha Baier), Gottlieb Baier (Gottleib Baier, son of Johannes Baier), Johann Baier, Katharine Koch, (Katherine Koch), Andreas Koch (Andrew Koch), Rosine Huissel (Rosine Hussel), Marie Schaible, Christine Wacker (Christina Wacker), Jakob Wohlgemuth (Jacob Wolgemuth), Johannes Wohlgemuth (John Wolgemuth), Friedrich Wohlgemuth (Frederick Wolgemuth), Mina Rauscher (Nina Rauscher), Emil Heidelbauer and Otto Heidelbauer, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, distributees, heirs at law, legatees, next of kin, names unknown, of Karl Rau, deceased; the domiciliary personal representatives, distributees, heirs at law, legatees, next of kin, names unknown, of Michael Baier, deceased; the domiciliary personal representatives, distributees, heirs at law, legatees, next of kin, names unknown, of Christina Baier, deceased; and the domiciliary personal representatives, distributees, heirs at law, legatees, next of kin, names unknown, of Louis Heidelbauer, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the Trust created under the Will of Michael Baier, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by the County Treasurer of Columbia County, Hudson, New York, as depositary, acting under the judicial supervision of the Surrogate's Court, Columbia County, State of New York;

and it is hereby determined:

5. That to the extent that the persons identified in subparagraphs 1 and 2 hereof, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 29, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-3729; Filed, Apr. 26, 1948; 8:52 a. m.]

[Vesting Order 10949]

TOME NODA

In re: Estate of Tome Noda, deceased. File D-39-19147; E. T. sec. 16466.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Shukichi Noda, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof in and to the Estate of Tome Noda, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Japan);

3. That such property is in the process of administration by Nichiko Noda Kimizuka, as administratrix, acting under the judicial supervision of the Circuit Court of the Second Circuit, Territory of Hawaii;

and it is hereby determined:

4. That to the extent that the person identified in subparagraph 1 hereof is not within a designated enemy country, the

national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 29, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-3730; Filed, Apr. 26, 1948; 8:52 a. m.]

[Vesting Order 11013]

HANGO SUMII ET AL.

In re: Bank accounts, stock, bonds and lease owned by Hango Sumii and others.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hango Sumii, (Mrs.) Kazue Sumii (Mrs. Hango Sumii) and Noriko Sumii, whose last known addresses are Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows:

a. Those certain debts or other obligations, described in Exhibit A, attached hereto and by reference made a part hereof, owing by the banks listed therein in column I, arising from the accounts described therein in columns II and III, and any and all rights to demand, enforce and collect the same,

b. Twenty (20) shares of no par value common capital stock of Shima Art Company, Inc., 16 West 57th Street, New York, New York, a corporation organized under the laws of the State of New York, evidenced by the certificates described below, registered in the names of and owned by the persons listed below in the amounts appearing opposite each name as follows:

Registered owner	Certificate No.	Number of shares
Hango Sumii	1	15
Kazue Sumii	2	5

both certificates being presently in Safe Deposit Box No. 1052 in Corn Exchange Safe Deposit Company, 1 East 42nd Street, New York, New York, together with all declared and unpaid dividends thereon,

c. One hundred (100) shares of no par value common capital stock of The Norwalk Tire and Rubber Company, Norwalk, Connecticut, a corporation organized under the laws of the State of Connecticut, evidenced by certificate number C10589, registered in the name of William Lee Comerford, presently in Safe Deposit Box No. 1052 in Corn Exchange Safe Deposit Company, 1 East 42nd Street, New York, New York, together with all declared and unpaid dividends thereon,

d. One hundred (100) shares of no par value common capital stock of Eitington Schild Co., Inc., New York, New York, a corporation organized under the laws of the State of New York, evidenced by certificate number NC14828, registered in the name of W. Lee Comerford, presently in Safe Deposit Box No. 1052 in Corn Exchange Safe Deposit Company, 1 East 42nd Street, New York, New York, together with all declared and unpaid dividends thereon,

e. Three (3) United States of America Defense Savings Bonds, Series E, bearing the numbers C 62893934 E, Q 10714515 E and Q 10714514 E, of face values of $100.00, $25.00 and $25.00, respectively, all registered in the name of Miss Noriko Sumii, presently in the custody of Irving Bossowick, Esq., 1440 Broadway, New York, New York, together with any and all rights thereunder and thereto, and

f. All right, title, interest and claim of Hango Sumii and (Mrs.) Kazue Sumii in and to Safe Deposit Box No. 1052 of Corn Exchange Safe Deposit Company, 1 East 42nd Street, New York, New York, and the contents thereof, including particularly but not limited to the right of access to said safe deposit box,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 31, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

EXHIBIT A

I Name and address of bank	II Title of bank account	III Type and number of bank account
Union Dime Savings Bank, 40th St. and 6th Ave., New York, N. Y.	Hango Sumii	Savings/1175815.
Southern Bank of Norfolk, Main and Granby Sts., Norfolk, Va.	do	Checking.
Union Dime Savings Bank, 40th St. and 6th Ave., New York, N. Y.	Hango Sumii in trust for Noriko Sumii.	Savings/1100452.
Do	Kazue Sumii	Savings/1087804.
Bank of The Manhattan Co., Dyckman St. Branch, Dyckman St. and Sherman Ave., New York, N. Y.	do	Checking.
Harlem Savings Bank, 181st St. and Broadway, New York 33, N. Y.	Noriko Sumii	School Savings/A6221.
Macy's Bank, Herald Sq., New York, N. Y.	Mrs. Hango Sumii	Deposit Account/215-426.

[F. R. Doc. 48-3732; Filed, Apr. 26, 1948; 8:53 a. m.]

[Vesting Order 10951]

NICHOLAS RECH

In re: Estate of Nicholas Rech, deceased. File D-28-12224; E. T. sec. 16443.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown of Margaret Rech, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the sum of $550.00 deposited with the Clerk of the Orphans' Court, Lehigh County, Pennsylvania, to the credit of the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributes, names unknown, of Margaret Rech, deceased, pursuant to an order of the Orphans' Court, Lehigh County, Pennsylvania, entered September 18, 1947, in the matter of the estate of Nicholas Rech, deceased, subject to payment of any lawful fees and disbursements of the Clerk of the Orphans' Court, Lehigh County, Pennsylvania, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by the Clerk of the Orphans' Court, Lehigh County, Pennsylvania, as depositary, acting under the judicial supervision of the Orphans' Court of Lehigh County, Pennsylvania.

and it is hereby determined:

4. That to the extent that the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown of Margaret Rech, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy county (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 29, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-3731; Filed, Apr. 26, 1948; 8:53 a. m.]